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TABLE OF CONTENTS
July 20, 2001 Volume 25, Issue 29

PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	8911
COMMERCE COMMISSION, ILLINOIS	
Qualifying Infrastructure Plant Surcharge	
83 Ill. Adm. Code 656	8913
EDUCATION, STATE BOARD OF	
Certification	
23 Ill. Adm. Code 25	8929
Public Schools Evaluation, Recognition, And Supervision	
23 Ill. Adm. Code 1	8968
PUBLIC HEALTH, DEPARTMENT OF	
Men's Health Code	
77 Ill. Adm. Code 950	8974
TRANSPORTATION, DEPARTMENT OF	
Airport Land Loan Program	
92 Ill. Adm. Code 15	8989

ADOPTED RULES

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
Illinois Promotion Act Programs	
14 Ill. Adm. Code 510	8993
FIRE MARSHAL, OFFICE OF THE STATE	
Storage, Transportation, Sale And Use Of Petroleum And Other Regulated Substances	
41 Ill. Adm. Code 170	9015
NATURAL RESOURCES, DEPARTMENT OF	
Consignment Of Licenses, Stamps And Permits	
17 Ill. Adm. Code 2520	9024
Fox Chain O'Lakes Aquatic Plant Management	
17 Ill. Adm. Code 895	9031
Lake Michigan Aquatic Plant Management	
17 Ill. Adm. Code 897	9038
The Illinois Oil And Gas Act	
62 Ill. Adm. Code 240	9045
POLLUTION CONTROL BOARD	

Identification And Listing Of Hazardous Waste	
35 Ill. Adm. Code 721	9108
Hazardous Waste Injection Restrictions	
35 Ill. Adm. Code 738	9161
Hazardous Waste Management System: General	
35 Ill. Adm. Code 720	9168
Land Disposal Restrictions	
35 Ill. Adm. Code 728	9181
RCRA Permit Program	
35 Ill. Adm. Code 703	9313

STATE POLICE, DEPARTMENT OF	
Emission Inspection Training And Certification	
20 Ill. Adm. Code 1293	9332

EMERGENCY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	9336
EDUCATION, STATE BOARD OF	
Certification	
23 Ill. Adm. Code 25	9360
SECRETARY OF STATE	
General Rules, Definitions	
92 Ill. Adm. Code 1000	9376

REGULATORY AGENDA

ATTORNEY GENERAL	
July 2001 Regulatory Agenda	
Not Yet Assigned	9381
EMPLOYMENT SECURITY, DEPARTMENT OF	
Claims, Adjudication, Appeals And Hearings	
56 Ill. Adm. Code 2720	9382
POLLUTION CONTROL BOARD	
Organization, Public Information And Types Of Proceedings	
2 Ill. Adm. Code 2175	9391
SEX OFFENDER MANAGEMENT BOARD	
July 2001 Regulatory Agenda	
Not Yet Assigned	9450

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	9452
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ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April	14, 2000:	Data Through March	31, 2000
Issue 29-July	14, 2000:	Data Through June	30, 2000
Issue 42-October	13, 2000:	Data Through September	30, 2000
Issue 3-January	19, 2001:	Data Through December	31, 2000 (Annual)

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Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
Issue 14	March 26	April 6	Issue 41	October 1	October 12
Issue 15	April 2	April 13	Issue 42	October 9*	October 19
Issue 16	April 9	April 20	Issue 43	October 15	October 26
Issue 17	April 16	April 27	Issue 44	October 22	November 2
Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
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Issue 27	June 25	July 6			

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.110	Amendment
310.130	Amendment
310.290	Amendment
310.530	Amendment
310.540	Amendment
APPENDIX B	Amendment
APPENDIX C	Amendment
APPENDIX D	Amendment
APPENDIX G	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: The following amendments to Sections 310.110, 310.130, 310.290, 310.530, 310.540, 310. Appendices B, C, D and G reflect the Fiscal Year 2002 changes that affect those employees subject to the Schedules of Salary Grades and Merit Compensation.
- In Sections 310.110 (Implementation of Pay Plan Changes for Fiscal Year 2002), 310.130 (Effective Date), 310.530 (Implementation) and 310.540 (Annual Merit Increase Guidechart for Fiscal Year 2002), the dates are being changed to reflect the New Fiscal Year 2002.
- In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the Out-of-State titles are being upgraded to maintain the same differential above the revised Schedules of Salary Grades and Merit Compensation.
- In Appendix B, the salary ranges for the Schedule of Salary Grades are being upgraded by 3.75% with a minimum of \$100 per month. Step 8 will become effective January 1, 2002.
- In Appendices C, D and G, the salary ranges for the Medical Administrator Rates, Merit Compensation System Salary Schedule and Broad-Band Pay Range Classes Salary Schedules are being upgraded to reflect an increase of 3.75%.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending on this Part? Yes
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Ill. Reg. Citation</u> |
|------------------------|------------------------|---------------------------|
| 310.280 | Amend | 25 Ill. Reg. 3058 |
| Appendix A | | |
| Table AA | Amend | 25 Ill. Reg. 3058 |
| 310.280 | Amend | 25 Ill. Reg. 4316 |
| 310.280 | Amend | 25 Ill. Reg. 5774 |
| 310.280 | Amend | 25 Ill. Reg. 7008 |
- 10) Statement of Statewide Objections: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking:
- Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
217/782-5601
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None. The Department of Management Services' pay plan extends only to Personnel Code employees under the jurisdiction of the Governor.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001
- The full text of the Proposed Amendments is identical to the emergency amendments on page 9338 of this issue of the Illinois Register.

ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Qualifying Infrastructure Plant Surcharge

2) Code Citation: 83 Ill. Adm. Code 656

<u>Section Numbers:</u>	<u>Proposed Action:</u>
656.10	New Section
656.20	New Section
656.30	New Section
656.40	New Section
656.50	New Section
656.60	New Section
656.70	New Section
656.80	New Section
656.90	New Section

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Chief Clerk

Illinois Commerce Commission

527 East Capitol Avenue

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.

4) Statutory Authority: Implementing Section 9-220.2 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220.2 and 10-101]

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping and filing

5) A Complete Description of the Subjects and Issues Involved: Section 9-220.2 authorizes water and sewer utilities to impose surcharges for the cost of purchased water, the cost of purchased sewage treatment, other costs difficult to predict, and infrastructure costs, independent of the utilities' revenue requirements. The proposed rules define qualifying infrastructure plant (QIP) and also describe the costs recoverable by the QIP surcharge: the pre-tax return and net depreciation expense and the calculation of the QIP surcharge percentages for annual prospective operation and quarterly historical operation. The proposed rules also describe filing requirements for the rider and information sheets and address the annual reconciliation process.

C) Types of professional skills necessary for compliance: Managerial skills

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Commission did not anticipate the publication of first notice at this time.

The full text of the Proposed Rules begins on the next page:

6) Will these proposed rules replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? Yes

9) Are there any other proposed rules pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER e: WATER AND SEWER UTILITIES

PART 656
 QUALIFYING INFRASTRUCTURE PLANT SURCHARGE

Section	Applicability	Surcharge
656.10	Definitions	
656.20	General Requirements	
656.30	Qualifying Infrastructure Plant	
656.40	Recoverable Qualifying Infrastructure Plant Costs	
656.50	Determination of the Qualifying Infrastructure Plant Percentage	
656.60		
656.70	Rider and Information Sheet Filings	
656.80	Annual Reconciliation	
656.90	Application for Qualifying Infrastructure Plant Surcharge Rider	

AUTHORITY: Implementing Section 9-220.2 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220.2 and 10-101].

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

Section 656.10 Applicability

- The qualifying infrastructure plant surcharge (QIP surcharge) shall be applied to water/sewer bills of customers of water/sewer utilities in the rate zone where qualifying infrastructure plant (QIP) is installed by utilities having an effective QIP surcharge rider and information sheet in effect and on file with the Illinois Commerce Commission (Commission).
- The purpose of the QIP surcharge is to recover a return on, and depreciation expense related to, the utility's investment in QIP as described in Section 656.40 of this Part. The QIP surcharge rider is authorized by Section 9-220.2 of the Public Utilities Act [220 ILCS 5/9-220.2].
- Each QIP surcharge percentage shall be determined in accordance with Section 656.60 of this Part.

Section 656.20 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Information sheet" means a tariff sheet filed in accordance with this Part to initiate or modify a QIP surcharge percentage.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

"Operation year" means the calendar year (or portion thereof) during which a QIP surcharge percentage is applied to customer bills.

"QIP surcharge percentage" is the percentage determined in accordance with Section 656.60 of this Part for filing in an information sheet.

"QIP-related costs" or "QIP costs" mean costs that are recoverable through the QIP surcharge percentage as determined in accordance with Sections 656.50 and 656.60 of this Part.

"Qualifying infrastructure plant surcharge" or "QIP surcharge" means the amount added to a customer bill when the QIP surcharge percentage is applied in accordance with Section 656.60(a) of this Part.

"Qualifying infrastructure plant" means a certain non-revenue producing eligible plant that is not reflected in the rate base used to establish the utility's base rates and is consistent with the terms of Section 656.40 of this Part. Non-revenue producing plant is a plant that is not constructed or installed for the purpose of serving a new customer.

"Rate zone" means the entire service area to which a particular base rate applies, but does not include areas that have different base rates even though such areas may be served by the utility.

"Reconciliation year" means the calendar year period for which actual QIP costs and revenues associated with the QIP surcharge are to be reconciled.

"Test year" means the test year period used by the utility in its last rate case as defined in 83 Ill. Adm. Code 285.150.

Section 656.30 General Requirements

- The QIP surcharge shall be capped at 5% of the base rates billed to customers. The QIP surcharge shall not be applied to any add-on taxes, to any revenues attributable to the Purchased Water and Sewage Treatment Surcharges developed pursuant to 83 Ill. Adm. Code 655, or to any other revenues not recorded in a Water Operating Revenue Account under 83 Ill. Adm. Code 605 or in a Sewer Operating Revenue Account under 83 Ill. Adm. Code 650.
- On the effective date of new base rates that provide for the recovery of the costs that had previously been recovered under the QIP surcharge rider, the QIP surcharge percentage for the applicable rate zone shall be reset to zero.
- A utility shall provide notice as required by Section 9-201(a) of the Act [220 ILCS 5/9-201(a)] after the filing of each information sheet. An explanation of the QIP surcharge shall be stated on or included

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

with the initial billing of a QIP surcharge. The utility also shall post notice of such filing in accordance with the requirements of 83 Ill. Adm. Code 255. Unless filed as part of a general rate increase, notice of the filing of a QIP surcharge rider also shall be given in the manner required by this subsection for the filing of information sheets. No other notice of the filing of an information sheet or QIP surcharge rider shall be required, except as may be provided by law or by Order of the Commission.

- d) The QIP surcharge shall be presented as a separate line item on customer bills.
- e) The revenues resulting from each QIP surcharge rider shall be recorded in a separate revenue subaccount for each rate zone.

Section 656.40 Qualifying Infrastructure Plant

a) To be classified as QIP, the plant additions must meet the following criteria:

- 1) The plant additions must be replacements of existing plant items from the accounts listed in subsections (b) and (c);
- 2) Such replacements must be non-revenue producing;
- 3) Such replacements are installed to replace facilities that are worn out or in deteriorated condition;
- 4) Such replacements are installed after the conclusion of the test year in the utility's latest rate case; and
- 5) Such replacements were not included in the calculation of the rate base in the utility's last rate case.

b) For water utilities, the plant additions shall include items from the following accounts, pursuant to 83 Ill. Adm. Code 605:

- 1) Account 331, Transmission and Distribution Mains;
- 2) Account 333, Services;
- 3) Account 334, Meters and Meter Installations; and
- 4) Account 335, Hydrants.

c) For sewer utilities, the plant additions shall include items from the following accounts, pursuant to 83 Ill. Adm. Code 650:

- 1) Account 360, Collecting Sewers - Force;
- 2) Account 361, Collecting Sewers - Gravity (including costs associated with manholes); and
- 3) Account 363, Services to Customers.

d) In addition to replacements, qualifying mains (Account 331 for water utilities) shall also include main extensions to eliminate dead ends. Additionally, the unreimbursed costs associated with relocations of mains, services, hydrants, and sewers occasioned by street or highway construction shall be included in the appropriate accounts.

e) QIP shall include only plant additions installed on or after January 1 of the year in which the utility files its initial QIP surcharge rider in accordance with Sections 656.70 and 656.90 of this Part.

Section 656.50 Recoverable Qualifying Infrastructure Plant Costs

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

a) QIP costs shall include the pre-tax return on QIP and the net depreciation expense applicable to QIP.

- 1) The pre-tax return is calculated using the weighted cost of debt and weighted cost of equity determined in the utility's last rate case. The weighted cost of equity is multiplied by the gross revenue conversion factor (GRCF). The product is then added to the weighted cost of debt to obtain the pre-tax return. The pre-tax return is calculated using the following formulas:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

$$\text{GRCF} = \frac{1}{(1 - \text{PPRT}) (1 - \text{SIT}) (1 - \text{FIT})}$$

$$\text{PTR} = ((\text{WCCE} + \text{WCPE}) \times \text{GRCF}) + \text{WCLTD} + \text{WCSTD}$$

Where:

GRCF = Gross Revenue Conversion Factor.

PPRT = Illinois personal property replacement tax rate in effect at the time of the initial, annual, or quarterly filing.

SIT = Illinois State income tax rate in effect at the time of the initial, annual, or quarterly filing.

FIT = Federal income tax rate in effect at the time of the initial, annual, or quarterly filing.

PTR = Pre-tax return.

WCCE = Weighted cost of common equity from the utility's last rate case.

WCPE = Weighted cost of preferred equity from the utility's last rate case.

WCLTD = Weighted cost of long-term debt from the utility's last rate case.

WCSTD = Weighted cost of short-term debt from the utility's last rate case.

- 2) Net depreciation expense shall be calculated by applying the utility's approved depreciation rate to each category of QIP. The depreciation expense for QIP shall be reduced by the depreciation expense on the plant being replaced.

Section 656.60 Determination of the Qualifying Infrastructure Plant Surcharge Percentage

- a) The QIP surcharge percentage shall be expressed as a percentage carried to two decimal places. The QIP surcharge percentage shall be applied to the total amount billed to each customer located in the same rate zone based on the utility's otherwise applicable rates and charges. The QIP surcharge percentage shall not be applied to the exclusions listed in Section 656.30(a) of this Part.

- b) In calculating the QIP surcharge percentage, the utility may choose

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

either annual prospective operation or quarterly historical operation based on QIP investment data for a prior three-month period. Annual prospective operation may be selected only if the utility's immediately preceding rate case utilized a future test year as defined in 83 Ill. Adm. Code 285 and the utility submits the information required by Section 656.70(d)(6) of this Part.

1) Annual Prospective Operation

Utilities choosing annual prospective operation shall determine the QIP surcharge percentage for the operation year using the following formula:

$$S\% = \frac{(\text{NetQIP} \times \text{PTR}) + \text{NetDep} + (R \times 1.33) + ((O + \text{INT}) \times \text{Om}) \times 100\%}{\text{PAR}}$$

Where:

S% = QIP surcharge percentage.

NetQIP = The average forecasted cost of the investment in QIP for the rate zone for the operation year less forecasted accumulated depreciation in QIP for the rate zone for the operation year. The average forecasted cost of QIP, net of depreciation, shall be computed by using an average of 13 end-of-month balances of QIP and accumulated depreciation for the period from December 31 of the year preceding the operation year through December 31 of the operation year.

PTR = Pre-tax return as described in Section 656.50(a)(1) of this Part.

NetDep = Net depreciation expense related to the average investment in QIP for the rate zone for the operation year. Depreciation expense shall be calculated by multiplying the forecasted investment in QIP by plant account, net of retirements, by the approved depreciation rates for the respective accounts in which the specific items included in the average QIP investment are recorded.

R = Utility-determined reconciliation component (R component) calculated for the reconciliation year under the reconciliation feature as described in Section 656.80(d) of this Part. The reconciliation component shall be collected over nine months from April through December.

O = The Commission-ordered adjustment component (O component).

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

INT = The calculated interest attributable to the O component. This interest shall be calculated as described in Section 656.80(i) of this Part.

Om = The Commission-ordered O component multiplier. Om is a timing factor applied to the O component and the INT to allow for the collection of the O component and the INT over the remainder of the operation year. For example, if the O component and the INT were included in the QIP surcharge percentage on January 1, the Om would be 1.00. Similarly, if the O component and the INT were included in the QIP surcharge percentage on April 1, the Om would be 1.33.

PAR = The projection of total water or sewer operating revenues, as applicable, for the rate zone for the period from January 1 through December 31. The projected revenue shall not include the exclusions listed in Section 656.30(a) of this Part.

2) Quarterly Historical Operation
Utilities choosing quarterly historical operation shall determine the QIP surcharge percentage for the quarter using the following formula:

$$S\% = \frac{\text{NetQIP} \times \text{PTR} \times .25 + \text{NetQDep} + (R \times .33) + ((O + \text{INT}) \times \text{Om})}{\text{PQR}} \times 100\%$$

Where:

S% = QIP surcharge percentage.

NetQIP = Original cost of QIP less accumulated depreciation for the rate zone. NetQIP shall be the level of investment in QIP existing at the end of the calendar month preceding the month in which an information sheet is filed.

PTR = Pre-tax return as described in Section 656.50(a)(1) of this Part.

NetQDep = Net quarterly depreciation expense applicable to NetQIP less the quarterly depreciation applicable to plant being retired.

R = Utility-determined reconciliation component calculated for the reconciliation year under the reconciliation feature as described in Section 656.80(d) of this Part.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

The reconciliation component shall be collected over nine months from April through December. No reconciliation component amount shall be included for the January through March quarter.

O = Commission-ordered adjustment component.

INT = The calculated interest attributable to the O component. This interest shall be calculated as described in Section 656.80(i) of this Part.

Om = The Commission-ordered O component multiplier. Om is a timing factor applied to the O component and the INT to allow for the collection of the O component and the INT over the remainder of the operation year. For example, if the O component and the INT were included in the QIP surcharge percentage on January 1, the Om would be 0.25. Similarly, if the O component and the INT were included in the QIP surcharge percentage on April 1, the Om would be 0.33.

PQR = Projected quarterly water or sewer operating revenues for the rate zone during the calendar quarter when the QIP surcharge percentage shall be in effect. The projected quarterly revenue shall not include the exclusions listed in Section 656.30(a) of this Part.

Section 656.70 Rider and Information Sheet Filings

a) A utility shall file a proposed QIP surcharge rider consistent with this Part pursuant to Section 9-201 of the Act. After a QIP surcharge rider is in effect, the QIP surcharge percentage shall be filed on an information sheet with supporting data no later than the 20th day of the month preceding the effective date of the QIP surcharge percentage. An information sheet with supporting data filed after that date, but prior to the effective date, shall be accepted only if it corrects an error or errors from a timely filed information sheet for the same effective date. Any other information sheet with supporting data shall be accepted only if submitted as a special permission request to become effective on less than 45 days notice under the provisions of Section 9-201(a) of the Act.

b) For utilities electing annual prospective operation, the effective date of a new QIP surcharge percentage is January 1 (and April 1 if the R component is modified). A utility may, at its option, file an information sheet modifying the surcharge percentage, with an effective date of the first day of any month during the operation year, when necessary to recognize a material change in assumptions used in developing the QIP surcharge percentage (including, but not

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

limited to, a change in depreciation rates). The utility shall also file an information sheet to implement a Commission-ordered O component.

c) For utilities electing quarterly historical operation, a new surcharge percentage may become effective on April 1, July 1, October 1, and January 1 (with a new R component becoming effective, if required, on April 1). A utility may elect not to file an information sheet showing an increased QIP surcharge percentage for any quarter provided that the QIP costs that would have been reflected for that quarter in excess of the level reflected in developing the QIP surcharge percentage in effect for the quarter are disregarded in calculating the R component and O component for the affected reconciliation year.

d) A utility electing annual prospective operation shall provide the following with the filing of each information sheet to become effective on January 1:

- 1) A calculation of the QIP surcharge percentage, PTR, and GRCF for each rate zone for which a QIP surcharge rider is in effect;
- 2) A schedule showing, for each rate zone for which a QIP surcharge rider is in effect, the amount of forecasted expenditures for QIP during the operation year by plant account;
- 3) A description, for each rate zone for which a QIP surcharge rider is in effect, of the projects included in each plant account by type of project;
- 4) A detailed description, for each rate zone for which a QIP surcharge rider is in effect, of individual QIP projects with a forecasted cost in excess of \$100,000;
- 5) A detailed schedule showing the calculation of depreciation expense for each rate zone for which a QIP surcharge rider is in effect; and
- 6) A statement verified by an officer of the utility that, in the belief of management:

A) The forecast used in developing the QIP surcharge percentage was prepared in accordance with the Guidelines for Presentation of Projected Financial Information (April 1, 1999) established by the American Institute of Certified Public Accountants, Inc., 1211 Avenue of the Americas, New York NY 10036-8775; and

B) The accounting treatment applied to events and transactions in the forecast is the same as the accounting treatment to be applied in recording the events once they occur.

e) A utility electing quarterly historical operation shall submit with each information sheet:

- 1) A calculation of the QIP surcharge percentage, PTR, and GRCF for each rate zone for which a QIP surcharge rider is in effect;
- 2) A detailed schedule showing, for each rate zone for which a QIP surcharge rider is in effect, QIP closed to utility plant. This schedule shall provide the following information for each QIP eligible project:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- A) Plant account number and title;
- B) Category of project;
- C) Project name;
- D) Description of project;
- E) Work order number;
- F) Dollar amount in the month of closing; and
- G) Month and year of closing; and

3) A detailed schedule showing the calculation of depreciation expense for each rate zone for which a QIP surcharge rider is in effect.

Section 656.80 Annual Reconciliation

a) On or before March 15 of each year, a utility that had a QIP surcharge in effect for all or part of the immediately preceding calendar year shall submit to the Commission an annual reconciliation regarding the results for the previous reconciliation year. The annual reconciliation shall be verified by an officer of the utility. As required by this Section, the annual reconciliation shall include a calculation of the R component necessary to adjust revenue collected under the QIP surcharge rider in effect for the rate zone during the reconciliation year to an amount equivalent to the actual level of prudently-incurred QIP cost for the reconciliation year. In the event that the earnings report filed under this Section for the rate zone shows that the utility's actual rate of return has exceeded the level authorized in the utility's last water or sewer general rate proceeding, as applicable, then the R component shall include the credit required by subsections (c) and (d). Any adjustment made through the R component shall be in effect for nine months commencing on the April 1 immediately following submittal of the annual reconciliation.

b) With the annual reconciliation, the utility shall file a petition seeking initiation of the annual reconciliation hearings required by Section 9-220.2 of the Act. After the hearing, the Commission shall determine the amount of the adjustment, if any, that should be made (through the O component) to the level of revenue collected by operation of the QIP surcharge rider during the reconciliation year, so that the amount of such revenue is equal to the actual level of prudently-incurred QIP cost for the reconciliation year (to the extent that such adjustment has not already been reflected through an adjustment made by the utility to the R component of the QIP surcharge percentage).

c) In the annual reconciliation, the utility shall include, for each rate zone in which a QIP surcharge has been in effect, data showing operating income and rate base for the reconciliation year, such data being developed in accordance with subsection (f)(4). If, for any such rate zone, the actual rate of return on rate base for the reconciliation year exceeds the overall rate of return allowed in the

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

utility's last water or sewer general rate proceeding, revenues collected under the QIP surcharge rider shall be reflected as a credit through the R component of the QIP surcharge to the extent that such revenues contributed to the realization of a rate of return above the last approved level. A credit value for the R component will result in a reduction of the QIP surcharge percentage. To the extent, if any, that a required adjustment for a reconciliation year has not been already made by the utility (through the R component), the Commission shall require (through the O component) that such an adjustment be made after the annual reconciliation hearing.

d) Utilities shall calculate the R component using the following formula:

$$R = (\text{ActNetQIP} \times \text{PTR}) + \text{ActNetDep} - \text{QIPRev} + \text{Rpy} + \text{Opy} - \text{EEA}$$

Where:

R = Utility-determined reconciliation component.

ActNetQIP = The average actual cost of the investment in QIP for the rate zone for the reconciliation year less actual accumulated depreciation of QIP for the rate zone for the reconciliation year. The average actual cost of QIP, net of depreciation, shall be computed by using an average of 13 end-of-month balances of QIP and accumulated depreciation for the period from December 31 of the year preceding the reconciliation year through December 31 of the reconciliation year. (For utilities electing quarterly historical operation, the amount of the ActNetQIP shall be limited by the provisions of Section 656.70(c) of this Part.)

PTR' = Pre-tax return as described in Section 656.50(a)(1) of this Part.

ActNetDep = Actual net depreciation expense related to the average investment in QIP for the rate zone for the reconciliation year. Depreciation expense shall be calculated by multiplying the actual investment in QIP by plant account, net of retirements, by the approved depreciation rates for the respective accounts in which the specific items included in the average QIP investment are recorded. (For utilities electing quarterly historical operation, the amount of the ActNetDep shall be limited by the provisions of Section 656.70(c) of this Part.)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

QIPRev = Actual QIP revenues collected during the reconciliation year through the QIP.

Rpy = The R component from the previous reconciliation year.

Opy = The sum of the O component and the calculated interest attributable to the O component, or the sum of any O components and the calculated interest attributable to the O components, included in the calculation of the QIP surcharge percentage during the reconciliation year.

EEA = Excess earnings amount calculated in accordance with subsections (a), (c), and (g)(4) of this Section. There will only be an EEA when the utility's actual rate of return for the reconciliation year exceeds the overall rate of return authorized by the Commission in the utility's last water or sewer rate proceeding.

e) Any adjustment made by Order of the Commission under subsection (b) or (c) shall be included in the O component and be in effect for either 12 months or nine months, beginning on the next January 1 (if 12 months) or April 1 (if nine months) following the Order of the Commission, or such other period as the Commission may direct in the Order requiring that an adjustment be made.

f) Each annual reconciliation shall include the following schedules:

- 1) A schedule showing, for each rate zone for which a QIP surcharge rider was in effect, the QIP costs for the reconciliation year;
- 2) A schedule showing, for each rate zone for which a QIP surcharge rider was in effect, the revenues arising through the application of the QIP surcharge during the reconciliation year;
- 3) A schedule showing, for each rate zone for which a QIP surcharge rider was in effect, the reconciliation component determined by the utility showing the amount to be recovered or refunded over a nine-month period commencing on April 1; and
- 4) Schedules showing the utility's calculation of actual operating income and 13-month average rate base for the reconciliation year by rate zone. This calculation of actual operating income and 13-month average rate base shall be adjusted for any applicable adjustments accepted by the Commission in the utility's last rate case. In calculating the amount of federal and State income tax expense reflected in operating income, the utility shall reflect as deductible interest expense for tax purposes the product that results when the weighted embedded cost-of-debt reflected in the overall rate of return calculation used in the utility's last rate proceeding is multiplied by the rate base for the applicable

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

rate zone as shown in the annual reconciliation. In the event that the actual rate of return for any rate zone exceeds the rate of return allowed in the utility's last water or sewer general rate proceeding, a schedule showing the extent to which revenues provided by operation of the QIP surcharge contributed to the difference between the actual and last-authorized rate of return also shall be provided. The amount of the revenues provided by the QIP surcharge that contributed to the actual rate of return exceeding the overall rate of return authorized by the Commission in the utility's last water or sewer rate proceeding shall be included as a credit in the calculation of the R component.

- g) The first reconciliation year shall begin on the effective date of the first QIP surcharge information sheet and end on December 31 of the calendar year in which the first information sheet became effective. Each subsequent reconciliation year shall end on December 31.
- h) When the utility files its annual reconciliation, the utility shall provide copies of the following items to the Commission's Manager of the Water Department and to the Commission's Manager of the Accounting Department:
 - 1) Copies of all workpapers pertaining to the reconciliation;
 - 2) A detailed summary of all invoices supporting the costs for eligible QIP surcharge projects;
 - 3) Copies of the applicable general ledger or comparable material supporting the recovery of the QIP surcharge;
 - 4) A detailed worksheet showing the calculation of any utility-determined reconciliation component (R component) amount based upon the annual reconciliation; and
 - 5) Information regarding the prudence of the utility's investment in QIP.

- i) Amounts either collected or refunded through the O component shall accrue interest at the rate established by the Commission under 83 Ill. Adm. Code 280.70(e)(1). Interest on the O component shall be applied from the end of the reconciliation year until the O component is refunded or charged to ratepayers through the QIP surcharge.
- j) If, for a rate zone, the annual reconciliation filed by a utility shows that the revenues collected by application of the QIP surcharge rider exceed actual QIP costs for three or more consecutive reconciliation years, the Commission may initiate hearings under Section 9-250 of the Act [220 ILCS 5/9-250] to determine whether the utility's QIP surcharge rider for the rate zone should be canceled.

Section 656.90 Application for Qualifying Infrastructure Plant Surcharge Rider

- a) A utility's filing seeking initial approval of a QIP surcharge rider for a rate zone shall be accompanied with the necessary testimony and exhibits justifying the rider.
- b) Required testimony and exhibits:
 - 1) A water utility shall prepare and provide a history of current

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

replacement rates of the qualifying plant, as well as history of failure, by location, for the qualified rate zone. The water utility shall provide 5 years of data by year for the following categories, based upon utility records to the extent that records of that data are available, or based upon estimates if records are not available:

- A) Transmission and distribution mains, including the age, footage, and material;
 - B) Services, including the age, footage, and material;
 - C) Meters and meter installations, including the age, size, and number; and
 - D) Hydrants, including the age, number, and manufacturer.
- 2) A sewer utility shall prepare and provide a history of current replacement rates of the qualifying plant, as well as a history of failure, by location, for the qualified rate zone. The sewer utility shall provide 5 years of data by year for the following categories, based upon utility records to the extent that records of that data are available, or based upon estimates if records are not available:
 - A) Collecting sewers - force, including the age, footage, and material;
 - B) Collecting sewers - gravity, including the age and number; and
 - C) Services to customers, including the age, footage, and material.
 - 3) All utilities shall provide the reason for each increase in the rate of replacement and include specific data to justify the replacement rate for each plant account.
 - 4) All utilities shall provide their specific plans for future replacements. The utilities shall provide a schedule showing the replacement projects listed by priority. This schedule shall include an explanation and justification for the prioritization.
 - 5) All utilities shall provide detailed computations of expected revenue effects of investment in QIP for the shorter of the time period covered by the plans submitted in response to subsection (b)(4) or five years.
 - 6) All utilities proposing to use the annual prospective method shall provide explanations for any changes in the expected rates of investment in QIP for the forecasted period as compared to the historical period.
 - 7) All utilities shall provide any other information and data that supports the approval of the proposed QIP surcharge rider.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Certification2) Code Citation: 23 Ill. Adm. Code 253) Section Numbers: Proposed Action:

25.20	Amendment
25.30	Amendment
25.40	Amendment
25.60	Repealed
25.80	Amendment
25.90	Amendment
25.99	Amendment
25.311	Amendment
25.400	New Section
25.475	Repealed
25.490	Amendment
25.710	Amendment
25.715	Amendment
25.717	Amendment
25.720	Amendment
25.725	Amendment
25.728	Amendment
25.730	Amendment
25.732	Amendment
25.733	Amendment
25.735	Amendment
25.740	Amendment
25.750	Amendment
25.755	Amendment
25.760	Amendment
25.765	Amendment
25.770	Amendment
25.775	Amendment
25.780	Amendment
APPENDIX B	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 215) A Complete Description of the Subjects and Issues Involved: This set of amendments covers several separate areas related to certification.

The rules establish the availability of an endorsement in "self-contained general education" (see Section 25.99) and provide a list of the required coursework (see the companion amendment to Section 1.710). These new provisions will solve a problem that exists for individuals who, instead of a special certificate in a particular subject area, elect to receive both an elementary and a secondary certificate endorsed for the subject area. These teachers would otherwise be unable to add qualifications for

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

teaching in self-contained general education at the elementary level.

The rules set forth the basis on which fees for certificate registration will be calculated. New Section 25.400 expresses the concept that one fee registers all an individual's certificates for the time period it covers and provides more specifics to deal with the complexity that exists in the combinations of certificates held by Illinois educators.

Many existing details of the Illinois Certification Testing System are being revised. A number of the changes are technical in nature, while others reflect the incorporation into that system of most examinations that are to be required for certification in transitional bilingual education.

As noted above, changes are being made in the requirements for certification in transitional bilingual education. Many of these changes have to do with the examinations that will be required, in both English and the respective target languages. This material reflects the requirements of Public Act 91-370, which requires a new system of tests beginning July 1, 2001.

Section 25.490 (Rules for Certification of Persons Who Have Been Convicted of a Crime) is being amended in order to clarify that the time frame relative to "completion of probation" refers to probation after a period of incarceration or probation standing on its own as a sentence.

The remaining proposed amendments mainly involve updating and technical clean-up. Two obsolete Sections (25.60 and 25.475) are being repealed, and Appendix B is being corrected. Sections 25.20, 25.30, 25.40, and 25.80 are being amplified with statements about the standards as the basis for the required examinations. The new Parts we will be promulgating are referenced.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes (Sections 25.90, 25.710, 25.735, and 25.770 only).7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.11) Time, Place and Manner in which interested persons may comment on this

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Proposed rulemaking:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950

Comments may also be submitted via e-mail, addressed to: rules@isbe.net

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
Not applicable

C) Types of professional skills necessary for compliance: Not applicable

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section

25.11 New Certificates (February 15, 2000)

25.15 Standards for Certain Certificates

25.20 Requirements for Initial Elementary Certificate

25.30 Requirements for Initial Secondary Certificate

25.35 Temporary Provisions for the Acquisition of Subsequent Standard Certificates

25.40 Requirements for Initial Special K-12 Certificate

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

25.50 General Certificate (Repealed)

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)

25.65 Alternative Certification

25.67 Alternative Route to Teacher Certification

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Requirements for Initial Early Childhood Certificate

25.90 Transitional Bilingual Certificate and Examination

25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section

25.110 System of Approval: Levels of Approval (Repealed)

25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs

25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)

STATE BOARD OF EDUCATION

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

25.125 Fifth-Year Review
 25.130 Procedures for Initial Recognition as a Teacher Education Institution (Repealed)
 25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003
 25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000
 25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia (Repealed)
 25.145 Approval of New Programs Within Recognized Institutions
 25.150 The Periodic Review Process (Repealed)
 25.155 Initial Recognition Procedures Effective July 1, 2000
 25.160 Notification of Recommendations; Decisions by State Board of Education
 25.165 Discontinuation of Programs

25.430 Institutional Approval
 25.435 School Service Personnel Certificate--Waiver of Evaluations (Repealed)
 25.437 Equivalency of General Education Requirements (Repealed)
 25.440 Master of Arts NCATE
 25.442 Illinois Teacher Corps Programs
 25.445 College Credit for High School Mathematics and Language Courses
 25.450 Lapsed Certificates
 25.455 Substitute Certificates
 25.460 Provisional Special and Provisional High School Certificates
 25.465 Credit
 25.470 Meaning of Experience on Administrative Certificates
 25.475 Certificates and Permits No Longer Issued (Repealed)
 25.480 Credit for Certification Purposes
 25.485 Provisional Recognition of Institutions (Repealed)
 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
 25.493 Part-Time Teaching Interns
 25.495 Approval of Out-of-State Institutions and Programs
 25.497 Supervisory Endorsements

SUBPART D: SCHOOL SERVICE PERSONNEL

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND OTHER NONCERTIFIED PERSONNEL

Section
 25.210 Requirements for the Certification of School Social Workers
 25.220 Requirements for the Certification of Guidance Personnel
 25.230 Requirements for the Certification of School Psychologists
 25.240 Standard for School Nurse Endorsement

Section

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

5.510 Teacher Aides
 25.520 Other Noncertificated Personnel
 25.530 Specialized Instruction by Noncertificated Personnel
 25.540 Approved Teacher Aide Programs

Section

25.310 Definitions (Repealed)
 25.311 Administrative Certificate
 25.313 Alternative Route to Administrative Certification
 25.315 Renewal of Administrative Certificate
 25.320 Application for Approval of Program (Repealed)
 25.322 General Supervisory Endorsement
 25.330 Standards and Guide for Approved Programs (Repealed)
 25.333 General Administrative Endorsement
 25.344 Chief School Business Official Endorsement
 25.355 Superintendent
 25.400 Registration of Certificates; Fees

SUBPART H: CLINICAL EXPERIENCES

Section
 25.610 Definitions
 25.620 Student Teaching
 25.630 Pay for Student Teaching

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section
 25.705 Purpose - Severability
 25.710 Definitions
 25.715 Test Validation
 25.717 Test Equivalence
 25.720 Applicability of Testing Requirement
 25.725 Applicability of Scores
 25.728 Use of Basic-Skills Test Results by Institutions of Higher Education
 25.730 at-Time-of-Entry-into-Teacher-Education
 25.732 Registration
 Late Registration

SUBPART F: GENERAL PROVISIONS

Section
 25.405 Military Service
 25.410 Revoked Certificates
 25.415 Credit in Junior College
 25.420 Psychology Accepted as Professional Education
 25.425 Individuals Prepared in Out-of-State Institutions
 25.427 Three-Year Limitation

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

25.733	Emergency Registration
25.735	Frequency and Location of Examination
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring Rescoring
25.775	Institution Test Score Reports
25.780	Fees

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section	
25.800	Professional Development Required
25.805	Requirements of the Plan
25.810	State Priorities
25.815	Submission and Review of the Plan
25.820	Review of Approved Plan
25.825	Progress Toward Completion
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
25.855	Approval of Illinois Providers
25.860	Out-of-State Providers
25.865	Awarding of Credit for Activities with Providers
25.870	Continuing Education Units (CEUs)
25.875	Continuing Professional Development Units (CPDUs)
25.880	"Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
25.885	Funding; Expenses

APPENDIX A Statistical Test Equating - Certification Testing System

APPENDIX B Certificates Available Effective February 15, 2000

APPENDIX C Exchange of Certificates

APPENDIX D National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 12, 2001; emergency amendment at 25 Ill. Reg. _____, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. _____, effective _____.

SUBPART B: CERTIFICATES

Section 25.20 Requirements for Initial Elementary Certificate

a) Each applicant shall either:

1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or

2) hold a valid certificate issued by Illinois or another state and have less than four years of teaching experience as defined in Section 25.11(g) of this Part.

b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the K-9 level, as verified by the employer, need not complete pre-student teaching clinical experience.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.

d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Beginning July 1, 2003, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.30 Requirements for Initial Secondary Certificate

- a) Each applicant shall either:
- 1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 2) hold a valid certificate issued by Illinois or another state and have less than four years of teaching experience as defined in Section 25.11(g) of this Part.
- b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the 6-12 level, as verified by the employer, need not complete pre-student teaching clinical experiences.
- c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.
- d) One major area of specialization totaling 32 semester hours is required. Coursework that meets the institution's general education requirements may also be counted for certification in the major and/or minor field of specialization.
- e) Each applicant shall be required to pass the test of basic skills and the applicable test of subject-matter knowledge (see Subpart I of this Part). Beginning July 1, 2003, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.40 Requirements for Initial Special K-12 Certificate

- a) Each applicant shall either:
- 1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 2) hold a valid certificate issued by Illinois or another state and have less than four years of teaching experience as defined in Section 25.11(g) of this Part.
- b) The professional education requirements for the initial special K-12 certificate (in semester hours) are:

- 1) Educational Psychology, including Human Growth and Development

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 2) Methods and Techniques of Teaching in the area of specialization 2
- 3) History and/or Philosophy of Education 2
- 4) Pre-student Teaching Clinical Experiences at the Elementary and Secondary Levels Equivalent to 100 Clock Hours in the Area of Specialization --
- 5) Coursework, equivalent to three semester hours, on the psychology of exceptional children, identification of exceptional children, and methods of teaching exceptional children; Learning Disabilities must be explicitly included in this coursework 5
- 6) Student Teaching in Area of Specialization and at K-12 Level 5
- 7) Electives to Total 16 Semester Hours (may include additional coursework in the areas enumerated in this subsection (b) and/or in guidance, tests and measurements, methods of teaching reading, and instructional materials).

c) Applicants with teaching experience in the field of specialization, as verified by the employer, need not complete pre-student teaching clinical experience.

d) Applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.

e) One major area of specialization totaling 32 semester hours is also required. Coursework that meets the institution's general education requirements may also be counted for certification in the major and/or minor field of specialization.

f) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Beginning July 1, 2003, the test of subject matter knowledge shall be based upon the relevant standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)

The applicant shall meet the following regulatory requirements:

- a) Degree in special field
- b) Recognized specialist in the occupational field
- c) Minimum of two years of experience in the field as a specialist

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

d) Employing-board-request

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 25.80 Requirements for Initial Early Childhood Certificate

- a) Each applicant shall either:
- 1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 2) hold a valid certificate issued by Illinois or another state and have less than four years of teaching experience as defined in Section 25.11(g) of this Part.
- b) The professional education requirements for the initial early childhood certificate (in semester hours) are:

- | | |
|--|---|
| 1) Child growth and development with emphasis on the young child | 3 |
| 2) History and philosophy of early childhood education | 3 |
| 3) Types of instructional methods, including types of activity/learning centers, individualization, educational play, and media and their utilization in extending the child's understanding of art, music, literature, reading instruction, mathematics, natural and social science | 4 |
| 4) Methods of teaching reading, with emphasis on the young child | 2 |
| 5) Techniques and methodologies of teaching language arts, mathematics, science and social studies at the primary level | 4 |
| 6) The development and acquisition of language in young children | 2 |
| 7) Child, family and community relationships | 3 |
| 8) Coursework, equivalent to three semester hours, on the psychology of exceptional children, identification of exceptional children and methods of teaching exceptional children. Learning disabilities must be explicitly included in this coursework | 3 |

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 9) Pre-student teaching clinical experiences equivalent to 100 clock hours, including experience with infants/toddlers, preschool/kindergarten children, and primary school students
- 10) Student teaching
- 11) Electives in professional education

5
3

- c) Those who have had five semester hours of student teaching at the primary grade level (K-3) and who have had teaching experience are not required to take another practicum at the preschool level. Applicants seeking this waiver shall secure official letters from the employing school district and/or the college or university documenting the nature and duration of their teaching and the grade level of their student teaching assignment.

- d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Beginning July 1, 2003, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.90 Transitional Bilingual Certificate and Examination

- a) Requirements for the Transitional Bilingual Certificate, issued pursuant to Section 14C-8 of the School Code, shall be as follows:
- 1) General Requirements. The applicant shall meet the following general requirements:

- A) Be in good health.
 - B) Be of sound moral character.
 - C) Be legally present in the United States and possess legal authorization for employment.
 - D) Comply with certification application procedures.
- 2) Requirements of Prior Education or Certification. The applicant shall:

- A) Possess a current and valid certificate issued by the State of Illinois, or
- B) Have possessed within five years prior to the date of application a valid teaching certificate or comparable legal authorization issued by a foreign country or by a state or possession or territory of the United States, or
- C) Hold a degree from an institution of higher learning in a foreign country which the Certification Board determines to be the equivalent of a bachelor's degree from a recognized

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

institution of higher learning in the United States (Section 14C-8 of the School Code; 105 ILCS 5/14C-8 ~~111-Rev-Stat-1988-Suppl-ch-122-par-146-8~~). The applicant must submit a certified transcript from the foreign institution. The Certification Board will determine equivalency by comparing the applicant's course of study to that required for a bachelor's degree from a recognized institution of higher learning in the United States on factors including:

- i) the applicant's length of study at the foreign institution (which shall be equivalent to four years of postsecondary study after the age of eighteen);
- ii) the number of credit hours or similar units of instruction which the applicant has successfully completed (which shall be the equivalent of 120 semester hours);
- iii) the content of the applicant's courses and the distribution of courses among the various disciplines constituting a bachelor's degree program in the United States (which shall include the equivalent of a 32-semester-hour major field of study);
- iv) the applicant's grades or similar evidence of successful academic performance;
- v) the foreign institution's accreditation status, if any.

3) Language Requirements

A) The applicant must demonstrate adequate speaking, and reading, writing, and grammar skills ability in a non-English language in which transitional bilingual education is offered in Illinois. This requirement may be fulfilled in one of the following ways:

- i) Applicants who have been employed in an Illinois bilingual program for at least one year prior to the date of application will meet this requirement when the Bilingual Education Section of the State Board of Education certifies that the applicant meets the following criteria: The applicant is able to use the non-English language fluently and accurately on all levels normally pertinent to professional needs, is able to understand and participate in a conversation within the range of the applicant's experience with a high degree of fluency and precision of vocabulary, is able to respond appropriately even in unfamiliar situations, with infrequent errors of pronunciation and grammar, is able to handle informal interpreting from and into the non-English language.

111) The applicant presents evidence of having graduated from a teacher preparation institution or an institution of higher education in which the medium of

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

instruction was in a non-English language in which transitional bilingual education is offered in Illinois and for which certification is sought.

- ii) The applicant successfully completes the required examination (see Section 25.710 of this Part) in the non-English language in which transitional bilingual education is offered in Illinois and for which certification is sought. If no examination for transitional bilingual education in the target language is listed in Section 25.710 of this Part, the required examination shall be another examination administered by the State Board of Education. The selection, development, and administration of each such examination shall conform to the requirements of Section 25.715 of this Part to the extent feasible in light of the rate of incidence of the target language in Illinois.

1111) The applicant by means of an approved examination administered by an Illinois institution of higher education recognized for teacher education meets the following standard of facility in the non-English language in which transitional bilingual education is offered in Illinois: The applicant is able to use the non-English language fluently and accurately on all levels normally pertinent to professional needs, is able to understand and participate in a conversation within the range of the applicant's experience with a high degree of fluency and precision of vocabulary, is able to respond appropriately even in unfamiliar situations, with infrequent errors of pronunciation and grammar, is able to handle informal interpreting from and into the non-English language.

B) The applicant must demonstrate adequate speaking, reading, writing, and grammar communicative skills in English. This requirement may be fulfilled in one of the following ways:

- i) The applicant presents evidence of having graduated from an institution of higher education in which the medium of instruction was English.
- ii) The applicant successfully completes the English Language Proficiency Examination (see Section 25.710 of this Part). Has been employed for one year or more in an Illinois bilingual program and the building principal or appropriate supervisor attests that the applicant possesses communicative skills in English sufficient to complete assigned duties.

1111) The applicant by means of an approved examination administered by an Illinois institution of higher education recognized for teacher education the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

following standard of facility in English: the applicant is able to satisfy routine social demands and work requirements, is able to handle with confidence most social situations including introductions and casual conversations about current events, work, family, and autobiographical information, is able to comprehend most conversations on non-technical subjects (five topics which require no specialized knowledge) and has a speaking vocabulary sufficient for self-expression, can usually handle elementary constructions accurately, the applicant's performance is such that if errors are made, they do not render speech unintelligible.

C) An individual enrolled in an approved bilingual certification program who passed the Spanish language proficiency examination required by the program prior to July 1, 2001, shall be exempt from retaking a Spanish language proficiency test after that date, provided that:

i) the university that operates the program forwards to the State Board of Education no later than November 1, 2001, a list of the names and Social Security numbers of those persons in its program who have passed the examination;

ii) the individual's name appears on the list submitted by the university in whose program he or she is enrolled; and

iii) the individual submits an application for bilingual certification based upon the institution's recommendation for certification no later than June 30, 2006.

4) Appeals - Re-scoring Procedures

All applicants found ineligible for certification because of failure to meet the language requirements set forth under (3) above shall have an opportunity to appeal the finding of ineligibility.

A) A limited appeal shall be available to applicants. An applicant found ineligible for certification because of failure to meet the language requirements on the basis of an examination in a language not listed in Section 25.710 of this Part. An affected individual wishing to initiate such an appeal shall notify the State Board of Education in writing within six weeks after release of the test results to candidates. May appeal by notifying the Secretary of the State Teacher Certification Board in writing.

The appeal shall be limited to a request for re-scoring. The State Board of Education shall honor each request unless no individual with the necessary language competency who was involved in the original scoring is available for re-scoring.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

B) The Secretary of the State Certification Board shall in consultation with the Manager of the Bilingual Education Section within 15 days of receipt of appeal establish a panel of at least two competent persons to hear the appeal. A date for a hearing shall be mutually agreed upon at which time the individual appealing may present the appeal and respond to inquiries from the panel. The panel shall review the record and present its findings and recommendations within five days of the date of the hearing to the Secretary of the State Teacher Certification Board.

E) Issuance of a certificate granted as a result of an appeal shall be based on the applicable criteria and standards set forth elsewhere in this Part.

b) Requirements for approving transitional bilingual examinations administered by Illinois institutions of higher education

i) Eligibility: The institution must be recognized for teacher education in Illinois; must certify that the examinations will be administered at no expense to the applicant; must certify that the examinations will be administered without discrimination based on national origin, sex, ethnic characteristics or any other personal characteristics or attributes unrelated to linguistic performance; institutions may propose the utilization of non-institutional resources; provided a legally binding agreement clearly showing institutional control over the procedures and content of the examination is presented; institutional personnel responsible for the administration of the examinations shall participate in inservice workshops offered by the State Board of Education's Bilingual Education Section; the chief educational administrator of the institution shall provide written notification to the Secretary of the State Teacher Certification Board of the institution's intention to be approved as an examination center in one or more languages.

3) Approval will be granted by the Secretary when the Manager of the Teacher Education Program Approval Section and the Manager of the Bilingual Education Section both certify in writing that the proposed procedures and content of the examination meet the following criteria:

A) The proposed examination enables determination of the applicant's proficiency at the following levels:

i) English
The applicant is able to satisfy routine social demands and work requirements, is able to handle with confidence most social situations including introductions and casual conversations about current events, work, family, and autobiographical information, is able to comprehend most conversations on non-technical subjects (five topics which require no specialized knowledge) and has a speaking

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENT

vocabulary sufficient for self-expression; can usually handle elementary constructions accurately; the applicant's performance is such that if errors are made, they do not render speech unintelligible.
Non-English language in which transitional bilingual education is offered in Illinois:

The applicant is able to use the non-English language fluently and accurately on all levels normally pertinent to professional needs, is able to understand and participate in any conversation within the range of the applicant's experience with a high degree of fluency and precision of vocabulary; is able to respond appropriately even in unfamiliar situations with infrequent errors of pronunciation and grammar; is able to handle informal interpreting from and into the non-English language.

B) The examination shall test reading ability through an instrument comparable to those prepared by the Modern Language Association and test oral facility by means of an examination similar to that employed in the Foreign Service Institute examination.

C) The proposed examination procedure meets commonly accepted professional standards for assessing and using examinations and is equivalent in rigor to other approved examinations.

B) The examination is uniformly administered to candidates with native and acquired language skills.

E) The institution of higher education recognized for teacher education purposes accepts responsibility for implementing and supervising the examination procedures.

4) The Conduct of the Examination shall meet the following criteria:
A) Each institution must designate a test administrator for each language in which testing services are offered.

B) Each institution must establish criteria for the selection of the test administrator and other persons who will make judgments during the examination procedures.

C) Each institution must implement conditions to insure test reliability.

B) Each institution must establish procedures for maintaining security of testing materials and results.

E) Each institution must maintain a system of periodic internal review of testing procedures and maintain records demonstrating compliance with approved procedures.

5) Results of examination shall be documented as follows:

A) The institution shall forward the results of examinations within ten days only to the State Board of Education's Manager of Certification and to the applicant.

B) The institution shall not permit the use of the results of the examinations for any other purposes unless requested in

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENT

writing by the applicant:
E) The institution shall maintain copies of written examinations, audio or video tapes of oral interviews, and signed records of the evaluator's determination or shall maintain full documentation of unique testing processes. Such copies shall be retained for a minimum of three years.

6) Applicants who do not pass their respective language examinations may reapply after a period of three months from the date of the examination.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.99 Endorsing Teaching Certificates

Elementary and secondary high-school teaching certificates will be endorsed with the subject areas a person is qualified to teach upon demonstration that the coursework presented for examination meets the requirements set forth in 23 Ill. Adm. Code 1: Subpart G, Staff Qualifications (Public Schools Evaluation, Recognition and Supervision).

a) Coursework presented for endorsement shall be counted toward a specific subject qualification if the course content meets the standards established for the subject as listed in Subpart G of 23 Ill. Adm. Code 1.

b) Coursework presented for endorsement will be counted in each subject area to which it applies.

c) Applicants for certificates presenting a 32 semester hour major field of specialization, for which qualifications are not specified in Subpart G of 23 Ill. Adm. Code 1, shall have the certificate endorsed with that major field of specialization.

d) Applicants for certification who have completed approved programs or who qualify for certification by transcript evaluation shall be evaluated for all endorsement areas and issued a certificate with all endorsements for which they qualify in accordance with subsections (a) and (b) of this Section.

e) Individuals seeking to endorse a previously issued certificates or obtain additional endorsements may apply for such endorsements, on forms provided by the State Board of Education, in accordance with the provisions of Section 21-12 of the School Code [105 ILCS 5/21-12].

1) Applications must be submitted through the office of a Regional Superintendent of Schools and accompanied by a \$30 nonrefundable fee made payable to the State Teacher Certification Board.

2) Applicants qualifying for an endorsement shall receive a duplicate of their original certificate with the endorsement and date of the endorsement affixed.

3) Deficiency statements shall be issued when an applicant does not qualify for the requested endorsements. Applicants may remove their deficiencies and qualify within one year after the date of

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

the deficiency statement. Subsequent requests for the same endorsements shall be accompanied with another fee.

- f) an individual who chooses to "split" a special or special preschool - age 21 certificate and receive both an elementary and a secondary certificate instead, as provided in Section 21-4 of the School Code [105 ILCS 5/21-4] and Appendix C to this Part, may qualify for endorsement in "self-contained general education" on the elementary certificate by presenting evidence of having completed the coursework described in 23 Ill. Adm. Code 1.710 (Minimum Requirements for Elementary Teachers). Such an individual shall also be required to pass the subject matter knowledge test for elementary education and, if he or she has not already passed the test of basic skills and received a certificate based on it, that test as well.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section 25.311 Administrative Certificate

Except as provided in Section 21-5d of the School Code [105 ILCS 5/21-5d], the Administrative certificate requires:

- a master's degree awarded by a regionally accredited institution of higher learning; and
- completion of a program approved for one of the endorsements specified in Section 25.322 through 25.355 of this Part at a recognized Illinois teacher education institution and recommendation by that institution; or satisfaction of the conditions specified in Section 25.425 of this Part; and
- passage of the relevant test of subject matter knowledge as specified in Section 25.710 of this Part.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART F: GENERAL PROVISIONS

Section 25.400 Registration of Certificates; Fees

Section 21-16 of the School Code [105 ILCS 5/21-16] requires the registration of an individual's teaching certificate(s) and establishes the amount of the registration fee to be paid for each type of certificate. Registration fees and requirements applicable in specified situations shall be as set forth in this Section.

- a) Any fee paid to register a certificate for a given year shall cover the registration of all other certificates held by the same

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

individual. An individual shall be required to register all certificates held but shall pay only one registration fee for any year.

- b) An individual is required to register his or her certificate in each region where he or she teaches, but, except as provided in Section 21-9 of the School Code [105 ILCS 5/21-9], is required to pay a registration fee in only one region. Therefore, an individual who moves from one region to another after paying a registration fee for a particular period of time:

- 1) shall be required to register his or her certificate(s) in the new region, but
- 2) shall not be required to pay any additional registration fee except as provided in subsection (c) of this Section.

- c) Under Section 21-9 of the School Code, a holder of a substitute certificate is required to pay a registration fee in each region where the certificate is used. Therefore, a holder of such a certificate who moves from one region to another after paying a registration fee for a particular period of time:

- 1) shall be required to register his or her certificate(s) in the new region, and
- 2) shall be required to pay a registration fee for the remaining years of the substitute certificate's validity.

- d) When a registration fee is paid, the amount due shall be the amount required to register the certificate for its entire period of validity, except that a life certificate may be registered for a maximum of five years (see Section 21-16 of the School Code).

- e) Except as provided in subsection (f) of this Section, an individual who receives and registers one or more additional certificates after paying a registration fee for a particular period of time shall not be required to pay an additional registration fee until the period covered by the original fee has elapsed. That is, no registration fee shall be charged for a new certificate as long as the current registration period of another certificate covers a portion of the new certificate's registration period.

- f) An individual who receives a standard certificate after paying a registration fee covering four years of teaching on an initial certificate without "using" all four of those years (e.g., an individual from another state who came to Illinois already having accumulated some teaching experience) shall be required to pay the registration fee for the new standard certificate's five-year period of validity, less "credit" equaling the amount paid for the unused years for which the initial certificate was registered.

- g) Pursuant to Section 25.450 of this Part, a certificate that has lapsed may be reinstated by payment of all accumulated registration fees. The amount due for each year shall be the fee that was in effect at that time, rather than the annual amount applicable at the time when the fees are paid.

- h) The amount of the fee that was in effect for any given year shall

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

remain in effect for that year, regardless of when the fee is paid.
i) The other provisions of this Section notwithstanding, no fee paid in connection with the registration of one or more certificates shall have the effect of extending the period of validity of any other certificate that is subject to additional renewal requirements that have not been met.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 25.475 Certificates and Permits No Longer Issued (Repealed)

The--State--Teacher--Certification--Board--ceases--issuing--Standard---Special Certificates--for--Guidance--Personnel--and--School--Social--Workers---The--Department of--Specialized--Educational--Services--will--cease--granting--permits--to--School Psychologists--

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime

- a) Each case must be reviewed separately. The type of offense involved will affect the character decision; obviously some offenses (and felonies) are of a more serious nature than others.
- b) The purpose of criminal penalties must be considered. It is the overwhelming view of experts in the various professions of the law that the purpose of criminal penalties is not only to punish, but to rehabilitate the individual. To automatically deny a person a privilege enjoyed by others is to tell that person that he will never be looked upon as being rehabilitated and that the stigma of his/her offense will forever be attached to him to prevent him from becoming an accepted and useful member of society. Such a drastic decision should not be taken lightly. It certainly should never be an automatic decision which does not give a person the opportunity to prove that he has overcome a defect in his/her past record.
- c) Therefore, in handling applications where there has been a criminal conviction on the part of the applicant, the State Teacher Certification Board will:
 - 1) not automatically reject an applicant with a criminal conviction record;
 - 2) take into consideration the gravity of the offense, i.e. misdemeanor, felony, infamous crime together with the circumstances under which it occurred, i.e. background and age of the person at the time of the offense;
 - 3) allow the applicant to provide evidence of good character and rehabilitation;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 4) render a decision as to good character by weighing the evidence of bad character (the criminal conviction) against that of good character and rehabilitation; and with
- 5) require a waiting period of one year from the time the sentence or--probation--period for the criminal offense ends before an application for certification will be considered. This--will allow--adequate--time--for--determining--rehabilitation--on--the--part--of the--applicant--

d) For purposes of this Section, an individual's "sentence" shall include any probationary period imposed either alone or in combination with a period of incarceration.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.710 Definitions

For the purposes of this Subpart, the following definitions apply:

"Passing raw score" is the minimum number of items which must be answered correctly on a given test.

"Passing score" is the minimum scaled score a person must obtain in order to pass a test.

"Re-scoring Rescoring" means the process of reviewing an examinee's answers and the scores assigned to them to confirm that a test score reported to an examinee is the score earned by him or her.

"Retake" is the opportunity for a person who has taken a test of the Illinois Certification Testing System at one test administration to take the test in the same area as given at subsequent administrations.

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score (0), the maximum score (100), and the passing score (70) are set.

"Subarea score" is the scaled score for the subset of test items on a subject matter test which measures specific content, and the "subarea score" is the scaled score for each subset of test items on the basic skills test which measures specific content in reading, writing, grammar, and mathematics.

"Test" or "Tests" refers to the test of basic skills, the language proficiency tests, and the tests of subject matter knowledge for the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Illinois Certification Testing System. These tests are:

Agriculture
 Art (K-12)
 Art (6-12)
 Basic Skills
 Grammar
 Mathematics
 Reading
 Writing
 Biological Science
 Blind and Partially Sighted
 Business/Marketing/Management
 Chemistry
 Chief School Business Official
 Computer Science
 Dance
 Deaf and Hard of Hearing
 Early Childhood
 Educable Mentally Handicapped
 Elementary
 English
 English as a Second Language
English Language Proficiency
 French
 General Administrative
 General Science
 General Supervisor
 German
 Guidance
 Health
 Health Occupations
 Hebrew
 History
 Family and Consumer Sciences
 Industrial Technology Education
 Italian
 Latin
 Learning Disabilities
 Mathematics
 Media
 Music (K-12)
 Music (6-12)
 Physical Education (K-12)
 Physical Education (6-12)
 Physically Handicapped
 Physical Science
 Physics
 Reading

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Russian
 School Nurse
 School Psychology
 School Social Work
 Social/Emotional Disorders
 Social Science
 Spanish
 Speech
 Speech and Language Impaired
 Superintendent
 Theatre Arts
 Trainable Mentally Handicapped
Transitional Bilingual Education
 Arabic
 Cantonese
 Greek
 Gujarati
 Hindi
 Japanese
 Korean
 Lao
 Mandarin
 Polish
 Russian
 Spanish
 Urdu
 Vietnamese

"Test items" are specific questions asked on a test that require a person either to select the correct response from those alternative responses provided or to produce a written response.

"Test objective" is a statement of the behavior or performance measured by test items.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.715 Test Validation

The State Board of Education will validate all tests as part of the Illinois Certification Testing System, using reviews of test objectives and test items by committees of Illinois educators and a survey of Illinois educators to determine the relationships of these objectives to the knowledge required by entry-level Illinois educators in order to perform their jobs. All validation procedures will conform to the accepted professional standards promulgated by the National Council on Measurement in Education, the American Educational Research Association, and the American Psychological Association, as presented

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

in the "Standards for Educational and Psychological Testing" (1999) published by the American Educational Research Association, 1230 17th Street, N.W., Washington, D.C. 20036. No later amendments to these standards are incorporated by this rule.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.717 Test Equivalence

a) The State Board of Education will implement the following procedures to maintain uniformity in the difficulty level of each form of the basic skills test, each language proficiency test, and each subject matter knowledge test from test-to-test and from year-to-year. These procedures will conform to the accepted professional standards for test score comparability and equating promulgated by the National Council on Measurement in Education, the American Educational Research Association, and the American Psychological Association as presented in the "Standards for Educational and Psychological Testing" (1999) published by the American Educational Research Association, 1230 17th Street, N.W., Washington, D.C. 20036. No later amendments to these standards are incorporated by this rule.

b) To achieve uniformity of test form difficulty, all test content advisory committees (see Section 25.715) shall be given identical orientation and training sessions throughout each step in test development and in standard setting. As a further measure to maintain test equivalence, when a new test form is produced, new items shall be matched to the items they are replacing in terms of average item difficulty statistics. Following the administration of a new test form, test scores for new test forms shall be made comparable in difficulty with the test scores on the previous test form by statistical test equating. The method to be used is set forth in Appendix A.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.720 Applicability of Testing Requirement

a) Beginning July 1, 1999, each person seeking a school service personnel or administrative certificate or an initial early childhood, elementary, secondary or special certificate must pass the Illinois Certification Testing System's test of basic skills and a test of subject matter knowledge. Beginning July 1, 2003, each person seeking an initial early childhood, elementary, secondary, or special certificate shall also be required to pass the applicable test of the common core of teaching knowledge, which shall be based upon the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

standards set forth in "Standards for All Illinois Teachers" (23 Ill. Adm. Code 24). An individual seeking a standard certificate shall be required to pass the test of basic skills, the test of subject matter knowledge, or (beginning July 1, 2003) the applicable test of the common core of teaching knowledge only if:

1) he or she has not already passed that examination; or
2) he or she has passed that examination but the score is more than five years old and no certificate has been issued on the basis of that score.

b) The required test of subject matter knowledge is that test which corresponds to the individual's major field of study in a teacher education program in the State of Illinois approved pursuant to Subpart C of this Part.

c) Persons who are graduates of colleges or universities outside the State of Illinois and who are seeking an Illinois certificate must take the test of basic skills and the subject matter knowledge test which most corresponds to the Illinois certificate or endorsement sought ~~field--for--which--application--for--certification--is--made~~. For example, someone seeking to teach whose major field of study is urban studies would, in addition to the basic skills test, also take the subject matter knowledge test in the social sciences.

d) It is the individual's responsibility to take the appropriate subject matter tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.

e) Beginning July 1, 2003, an individual seeking a standard certificate shall be required to pass the standard examination referred to in Section 25.11(d) of this Part unless he or she holds an Illinois standard certificate of some other type or holds a comparable certificate from another state and presents evidence of at least four years of teaching experience.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.725 Applicability of Scores

a) Each person seeking certification in Illinois must pass the test of basic skills.

b) Each person seeking certification must pass the appropriate test of subject matter knowledge, as set forth in Section 25.720(b) and (c) of this Part, for each certificate sought.

c) Except as provided in subsection (d) of this Section, for each person seeking his or her first Illinois certificate, neither the scores on the subareas of the basic skills test nor the score on the subject matter test may be more than five years old at the time application is made. The five-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than five

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- years old will not be accepted as part of an application.
- d) A person who has passed the test of basic skills as a condition of admittance to an Illinois teacher education program approved pursuant to Subpart C of this Part shall not be required to retake that test.
- ed) A person who has passed the basic skills test and has been issued a certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.
- f) For persons seeking subsequent certificates, the subject matter test score upon which each application is based shall be no more than five years old, such five-year period to be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Score more than five years old will not be accepted as part of an application.
- gf) Any person may retake any test during any subsequent, regularly scheduled administration of that test, subject only to registration in accordance with the provisions of this Subpart.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.728 Use of Basic-Skills Test Results by Institutions of Higher Education at Time of Entry into Teacher-Education

- a) An institution may use the Illinois Certification Testing System's test of basic skills to satisfy the requirement of Section 21-2b of the School Code [105 ILCS 5/21-2b] -- Teacher Education Program Entrance. a) If an institution chooses to use the basic skills test for that purpose, it shall abide by all the rules governing the Illinois Certification Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.
- b) An institution may use an Illinois Certification Testing System subject matter test as a requirement for completion of a teacher education program approved pursuant to Subpart C of this Part. If an institution chooses to use a subject matter test for that purpose, it shall abide by all the rules governing the Illinois Certification Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart. An institution shall not use the basic skills test nor any other test of the Illinois Certification Testing System for any other purpose, including, but not limited to, admission to student teaching and completion of the program.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Section 25.730 Registration

Registration materials and information about the tests will be available from the State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001.

- a) An individual's registration form must be either received by the testing contractor chosen by the State Board of Education on or before the regular registration deadline or must be postmarked by the United States Postal Service on or before the registration deadline and received by the testing contractor State-Board-of-Education by the late registration deadline as specified in Section 25.732 of this Part. An individual's registration form must include the following:

- 1) Registrant's name, both home address and address-while-at-school, both daytime and evening telephone numbers, Social Security number, date of birth, sex gender and ethnicity--and certification-status;
 - 2) Name and identification number of test(s);
 - 3) Test date and first and second test site identification numbers number;
 - 4) Name of Illinois teacher preparation institution attended, if applicable, and student status within said institution;
 - 5) An assurance that the registrant will abide by all the conditions of testing set forth in Section 25.750 of this Part;
 - 6) An assurance that the registrant has not had and will not seek access to any secure test materials prior to the test date; and
 - 7) The registrant's signature, which shall signify certify that the registrant's knowledge and that the registrant agrees to abide by the testing conditions belief.
- b) The testing contractor State-Board-of-Education will acknowledge receipt of registration forms within four weeks of their receipt.
- c) An individual may amend or cancel his or her registration by submitting a properly completed change of-registration form to the testing contractor State-Board-of-Education. The change of registration form must be either received by the testing contractor State-Board-of-Education on or before the registration deadline or must be postmarked by the United States Postal Service on or before the registration deadline and received by the testing contractor State-Board-of-Education by the late registration deadline as specified in Section 25.732 of this Part. Changes that may be made by an individual to his or her registration are:
- 1) changing the test site or test date;
 - 2) adding a test or tests; and
 - 3) deleting a test or tests.
- d) All requests for changes to a registration, except for deletion of a test or tests, must be accompanied by payment of the appropriate fee as set forth in Section 25.780 of this Part.
- e) An individual who cancels her or his registration in accordance with

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

this Section, including meeting the specified deadline, will receive a partial refund as set forth in Section 25.780 of this Part. An individual who cancels his or her registration other than in strict accordance with this Section, or who is absent from the test administration, will receive no refund or credit of any kind.

f) The registration deadline for each test administration will be six calendar weeks prior to the test administration date.

g) The State Board of Education may issue a fee credit to an individual who is absent from a test administration for which he or she was registered because of a medical emergency or death provided that:

1) a written request is received by the State Board of Education no later than six months from the date of the missed test administration, and

2) a written statement from a member of the medical profession or funeral home documenting the reason for the absence accompanies the request.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.732 Late Registration

Late registration for individuals not meeting the deadlines established in Section 25.730 of this Part will be permitted.

a) An individual's late registration form must be received by the testing contractor ~~State-Board-of-Education~~ no later than the close of business three weeks before the date of test administration and must include the information specified in Section 25.730(a) of this Part.

b) The testing contractor ~~State-Board-of-Education~~ will acknowledge receipt of late registration forms within two weeks of their receipt.

c) All requests for a late registration must be accompanied by payment of the appropriate fee as set forth in Section 25.780 of this Part.

d) The late registration fee will be waived for examinees who failed the examination at its most recent administration but whose score reports were not released before the next regular registration deadline.

ed) Late registration requests for the accommodation of persons with special needs as specified in Section 25.740 of this Part or a special test date as specified in Section 25.745 of this Part will be honored by the testing contractor ~~State-Board-of-Education~~ only if space, staff, and time constraints allow.

fe) An individual may amend or cancel his or her registration or late registration ~~after the registration deadline but on or before the late registration deadline~~ by submitting a properly completed late change of registration form to the ~~State-Board-of-Education~~. The late change of registration form must be received by the testing contractor ~~State Board-of-Education~~ by the late registration deadline. Changes that may be made by an individual to his or her registration or late registration are:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1) changing the test site or test date;
2) adding a test or tests; and
3) deleting a test or tests.

gf) All requests for changes to a late registration, except for deleting of a test or tests, must be accompanied by the appropriate fee for a change in registration as set forth in Section 25.780 of this Part.

hg) All requests for a change to a regular registration received by the State Board of Education between the registration and late registration deadlines must be accompanied by the appropriate fee for a change in registration and for a late registration as set forth in Section 25.780 of this Part.

ih) The late registration deadline for each test administration will be three calendar weeks prior to the test administration date.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.733 Emergency Registration

A limited number of emergency registrations per test administration will be allowed on a space-available basis.

a) Emergency registration will be offered at a limited number of test sites throughout the state, as identified in the current year "Illinois Certification Testing System Registration Bulletin."

b) Emergency registrations will be accepted up until the close of business on the Tuesday before the Saturday test date.

c) All requests for emergency registration must be made by telephone to the testing company identified in the "Illinois Certification Testing System Registration Bulletin." Fees will be payable by ~~credit-card~~ only by Visa or MasterCard as specified in Section 25.780(i) of this Part.

d) All individuals registering by emergency registration must complete, prior to testing, a registration form and sign an assurance that they will abide by all the conditions set forth in Section 25.750 of this Part. Registration forms and assurance statements will be available at the test sites on the day of the test.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.735 Frequency and Location of Examination

a) The tests of basic skills and subject matter knowledge tests will be administered no fewer than three times a year and at no fewer than six sites each time at locations throughout the State. The English proficiency test and the language proficiency test in Spanish will be administered four times per year at one site in the Chicago area. Language proficiency tests in target languages other than Spanish will

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

be administered twice per year at one site in the Chicago area.
b) All test sites will be accessible to persons with disabilities.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.740 Accommodation of Persons with Special Needs

a) Persons with special needs include those with visual, physical, or other disabilities who would not be able to take the required test(s) under standard conditions. The State Board of Education will honor each request for special accommodations from such a person, provided the request is:

- 1) submitted on a form supplied by the State Board of Education and received on or before the regular registration deadline; and
 - 2) accompanied by a signed statement from a medical or human services professional licensed in this or any other state, such as but not limited to a physician, psychiatrist or psychologist, describing the handicapping condition and specifying the exact nature of the needed accommodations.
- b) The testing contractor ~~State--Board--of--Education~~ will notify each person requesting special accommodations of the disposition of such request no later than two weeks prior to the test date.
- c) Special test administration procedures may include, but will not be limited to:

- 1) testing arrangements for visually handicapped persons, such as:
 - A) a special examiner to read the test and/or fill in the answer sheet; and/or
 - B) permission to circle answers directly in the test booklet; and/or
 - C) permission to use magnifying devices; and/or
 - D) the use of either a large print or Braille version of the test;
 - 2) testing arrangements for hearing-impaired persons, such as:
 - A) providing written instructions for administering the tests; and/or
 - B) providing a sign language interpreter for any audio-taped material or the testing instructions; and
 - 3) arrangements for persons with other disabilities, such as special seating or use of assistive devices (i.e., page turners, communication boards).
- d) Special test administration procedures for persons for whom English is not the first language shall be limited to the allotment of extra time.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Section 25.750 Conditions of Testing

- a) On the day of the test, each person shall present the admission ticket received following test registration and two pieces of positive identification, one of which shall include a photograph taken within the last four (4) years. Positive identification includes, but is not limited to, a driver's license, student identification card, Illinois identification card, passport, employee identification card, Social Security card, birth certificate, or selective service registration card. Any person lacking sufficient identification will be required to sign a declaration of identity statement. Any person lacking sufficient identification and refusing to sign a declaration of identity statement will be refused admission. Persons arriving within 30 minutes after a test administration has begun will be required to sign an acknowledgment of late arrival specifying that no additional time will be allotted beyond that already given to the other examinees for the session.
- b) Persons arriving more than 30 minutes after a test administration has begun will be refused admission.
- c) No refund of fees will be made to any person refused admission under subsection (a) or (b) of this Section.
- d) Each person admitted to a testing site shall abide by the instructions of the proctors administering the test in all matters relating to the test, including but not limited to seating arrangements and security measures. Each person authorizes the proctors to serve as his or her agents in maintaining a secure test administration.
- e) Each person beginning a test shall take every section of that test. The score of a person not completing all sections of a test will be reported as set forth in Sections 25.765 and 25.775 of this Part, unless such person requests voiding of that score as provided in Section 25.755 of this Part.
- f) No refund will be made to any person requesting that his or her score be voided, nor will credit be given toward the fee for any future test.

g) No person may:

- 1) use written notes during a test;
- 2) make notes or copies of the contents of a test booklet;
- 3) use scratch paper;
- 4) use any mechanical device, except as expressly permitted in the registration materials (i.e., use of a nonprogrammable, solar or battery-powered calculator during the chemistry, mathematics, and physics subject matter tests);
- 5) communicate in any way with other examinees or any person other than the proctors during a test session;
- 6) remove any test materials from the testing site;
- 7) engage in behavior that disrupts or gives unfair advantage or disadvantage to other examinees;
- 8) fail to sign the document(s) on which he or she is directed to

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

record his or her answers; or

9) fail to follow the oral or written instructions or directions of the proctors dealing with the administration of the test.

- h) An individual who wished to object to any of the testing conditions or procedures set forth in this Section shall notify the testing contractor in writing of the basis for this objection no later than six weeks prior to the test administration date. An individual who wished to object shall not register using the late or emergency registration procedures described in Section 25.732 and 25.733 of this Part. ~~Unless the person notes an objection in the space provided on the registration form, any person taking a test agrees that liability for test administration activities, including but not limited to the adequacy and accuracy of test materials and test conditions, and the accuracy of registration and administrative processes, and score reports, will be limited to score correction or the retaking of the test at no additional fee, and waives his or her rights to all further claims arising out of any acts or omissions of the State Board of Education or the contractor for the test administration.~~

- 1) The testing contractor shall inform the registrant as to whether his or her objection will be honored.
- 2) If an individual's objection is not honored, the testing contractor shall inform the individual that he or she will not be registered for the test administration.
- 3) An individual who objects to a condition of testing after using late or emergency registration procedures may be prohibited from taking the test, or his or her score may be voided.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.755 Voiding of Scores

- a) A person shall have the right to void his/her test score(s). Such a request must be submitted in writing and received by the State Board of Education within seven calendar days after the date of the test.
- b) A person's score(s) will be voided by the State Board of Education due to violation by the person of any of the conditions of testing enumerated in Section 25.750(d)-(f), and (g) of this Part, weeks after the test date. This shall not limit such person's right to take the test(s) at a subsequent administration.
- c) The Illinois State Board of Education will also void any affected test score if:

- 1) any person taking the test engages in any form of misconduct, including but not limited to the actions listed in Section 25.750(g), having the purpose or effect of:
- A) giving any person taking the test an unfair advantage over other examinees,
- B) affecting, either positively or negatively, the performance

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

of any person taking the test, or

C) representing the performance of the named registered examinee by the performance of another person;

- 2) there is any testing irregularity that calls into question:
- A) the accuracy of the test scores as measures of the actual performance of the examinees, or
- B) the validity of the test scores as measures of the performances of the examinees in light of the conditions and circumstances under which the test was administered.
- d) The State Board of Education shall notify the person of such action within six three weeks after the test date. ~~If any person's test materials reveal irregularities that warrant further investigation, the State Board shall forward those materials to the appropriate law enforcement authority and shall notify the affected person(s) within ten days after taking such action. This shall not limit such person's right to take the test(s) at a subsequent administration.~~
- e) No refund will be given to any person whose score is voided.
- f) If a score is voided for any reason, it will not be reported or entered on any records. All records of the person's test responses, including but not limited to answer sheets and electronic media records, will be destroyed and will be irretrievable. Voiding of an individual's score shall not limit his or her right to retake the test. However, in some instances scores are voided for reasons that render individuals ineligible for certification in Illinois, regardless of any future testing.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.760 Passing Score

- a) The passing raw score will be established for each test by the State Board of Education, in consultation with the State Teacher Certification Board, based upon the professional judgments and recommendations of committees of Illinois educators about the acceptable, minimal level of performance for entry-level educators in Illinois classrooms.
- b) The raw score for each test of subject matter knowledge, for each language proficiency test, and for each subarea of the test of basic skills shall be transformed to a scaled score ranging from 0 to 100, with 70 established as the passing score. The passing raw score shall always be equal to a scaled score of 70. The following formula shall be used to transform raw scores to scaled scores, where MAX means the maximum raw score, CUT means the passing raw score and X means the number of items correct:
- 1) If X is greater than or equal to CUT, then the scaled score is 70 + 30((X - CUT)/(MAX - CUT)).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 2) If X is less than CUT, then the scaled score is 70X/CUT.
- c) Scaled scores are rounded to the nearest integer except between 69 and 70. To ensure that a score just below passing is not equated with a scaled score of 70, scaled scores between 69 and 70 will be considered 69.
- d) In order to pass the basic skills test, a person must receive a passing score on each of the subarea tests during a single test administration. A person failing to pass any one of the subarea tests shall be required to retake all four subarea tests.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.765 Individual Test Score Reports

- a) The State Board of Education will report each individual's test score(s) only to:
- 1) the individual candidate earning such score(s); and
 - 2) the Illinois teacher education institution the candidate either attended or seeks to attend by the person, unless that person specifically directs otherwise on the registration form.
- b) The score report sent to each individual by the State Board of Education will:
- 1) indicate the test date and whether or not the person has passed the test; and
 - 2) report the person's total score and subarea scores as scaled scores, and
 - 3) include, for persons not passing a test, information about the next scheduled administration of the test and about applying to retake it.
- c) No test scores will be released via facsimile or over the telephone.
- d) A person shall have the right to request additional copies of his or her score report, subject to payment of a fee as set forth in Section 25.780 of this Part.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.770 Re-scoring Rescoring

- a) A person shall have the right to request re-scoring rescoring of the basic skills a test or a test of subject matter knowledge tests, provided such a request is submitted in writing and received by the State Board of Education within ten weeks after of the test administration date and is accompanied by payment of the applicable fee as set forth in Section 25.780 of this Part. A person shall also have the right to request re-scoring of a language proficiency test. However, no re-scoring service shall be available for the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- constructed-response portions of a language proficiency test; re-scoring on such a test shall be limited to the multiple-choice items only.
- b) In the case of any discrepancy discerned as a result of re-scoring rescoring, the State Board of Education will correct its records and inform all parties to whom the test score was reported as to the person's score.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.775 Institution Test Score Reports

After each test administration, a report will be provided to each Illinois teacher preparation institution having one or more applicants students or graduates taking the test(s). This report will include:

- a) aggregate information on pass/fail status, total scores, and subarea scores for all examinees from the institution, and for the state as a whole for each test;
- b) aggregate information on pass/fail status, total scores, and subarea scores by gender and race, for all examinees from the institution and for the state as a whole, for each test.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 25.780 Fees

- a) Each registration form shall be accompanied by payment of a fee in the amount of \$44 per test to be taken.
- b) Each request for rescoring of a test shall be accompanied by payment of a fee in the amount of \$25, which shall be refunded if the original scoring is found to be in error.
- c) Each request for an additional individual score report shall be accompanied by payment of a fee in the amount of \$10.
- d) Each change of registration form or change of late registration form requesting a change in the test(s), test date or test site for which the individual is scheduled shall be accompanied by payment of a fee in the amount of \$15.
- e) Each add-on change of registration form or change of late registration form requesting to add a test or tests to an individual's registration shall be accompanied by payment of a fee in the amount of \$44 per test to be added.
- f) An individual who cancels his or her registration in accordance with Section 25.730 of this Part shall receive a refund in the amount of \$22 per test for which he or she registered.
- g) Each late registration form shall be accompanied by payment of a fee of \$30 in addition to the payment of the fee for each test to be taken

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

as specified in this Section.

h) A fee of \$20 shall be charged for any test payment that does not clear.

ih) Only cashiers' checks and money orders will be accepted for payment of fees.

it) Payment of fees for emergency registration must be made by Visa or Master Card credit--card only, as identified in the current year "Illinois Certification Testing System Registration Bulletin."

1) A fee of \$100, in addition to the fee for each test to be taken as specified in subsection (a) of this Section, will be charged for each emergency registration.

2) No refund or credit of any kind shall be made to any person who registers by emergency registration.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Section 25.APPENDIX B Certificates Available Effective February 15, 2000

Early Childhood

Provisional Alternative Early Childhood Certificate
Standard Alternative Early Childhood Certificate
(For Cities of 500,000 or More)

Provisional Early Childhood Certificate

Initial Early Childhood Certificate

Initial Alternative Early Childhood Certificate

Standard Early Childhood Certificate

Master Early Childhood Certificate

Initial-Special-Preschool--Age-21-Certificate

Standard-Special-Preschool--Age-21-Certificate

Elementary

Provisional Alternative Elementary Certificate

Standard Alternative Elementary Certificate

(For Cities of 500,000 or More)

Provisional Elementary Certificate

Initial Elementary Certificate

Initial Alternative Elementary Certificate

Standard Elementary Certificate

Master Elementary Certificate

Secondary

Provisional Alternative Secondary Certificate

Standard Alternative Secondary Certificate

(For Cities of 500,000 or More)

Initial Math-Science Certificate 9-12

Provisional Secondary Certificate

Initial Secondary Certificate

Initial Alternative Secondary Certificate

Standard Secondary Certificate

Master Secondary Certificate

Special

Standard Alternative Special Certificate

(For Cities of 500,000 or More)

Provisional Special Certificate

Initial Special K-12 Certificate

Initial Alternative Special K-12 Certificate

Initial Special Preschool - Age 21 Certificate

Standard Special K-12 Certificate

Standard Special Preschool - Age 21 Certificate

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Master Special K-12 Certificate

School Service Personnel

Provisional School Service Personnel Certificate
School Service Personnel Certificate

Administrative

Provisional Alternative Administrative Certificate
Administrative Certificate
(Excluding Acting as Principal/Assistant Principal)
Provisional Administrative Certificate
Administrative Certificate

Other

Substitute Certificate
General Certificate
Part-Time Provisional Certificate
Temporary Provisional Vocational Certificate
Provisional Vocational Certificate
Transitional Bilingual Certificate
Resident Teacher Certificate

(Source: Amended at 25 Ill. Reg. _____, effective _____)

STATE BOARD EDUCATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision2) Code Citation: 23 Ill. Adm. Code 13) Section Numbers: Proposed Action:
1.710 Amendment4) Statutory Authority: 105 ILCS 5/2-1b5) A Complete Description of the Subjects and Issues Involved: In conjunction with an amendment to the State Board's rules for Certification (see 23 Ill. Adm. Code 25.99), this amendment helps establish the availability of an endorsement in "self-contained general education" by providing a list of the required coursework. These new provisions will solve a problem that exists for individuals who, instead of a special certificate in a particular subject area, elect to receive both an elementary and a secondary certificate endorsed for the subject area. These teachers would otherwise be unable to add qualifications for teaching in self-contained general education at the elementary level.6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.11) Time Place and Manner in which interested persons may comment on this Proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-395012) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: None

STATE BOARD EDUCATION

NOTICE OF PROPOSED AMENDMENT

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendment begins on the next page:

STATE BOARD EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

Section	
1.10	Public School Accountability Framework
1.20	Operational Requirements
1.30	Quality Assurance Reviews
1.40	Student Performance and School Improvement Requirements (Repealed)
1.50	State Assessment
1.60	Operational Compliance (Repealed)
1.70	Effective Dates of Accreditation (Repealed)
1.80	Academic Early Warning and Watch Lists
1.85	Revisions to School Improvement Plans
1.90	System of Rewards and Recognition
1.100	Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section	
1.210	Powers and Duties
1.220	Duties of Superintendent
1.230	Board of Education and the School Code
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 170 and 180
1.260	Commemorative Holidays to be Observed by Public Schools
1.270	Book and Material Selection
1.280	Discipline
1.290	Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section	
1.310	Administrative Responsibilities
1.320	Duties
1.330	Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section	
1.410	Determination of the Instructional Program

STATE BOARD EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1.420 Basic Standards
 1.430 Additional Criteria for Elementary Schools
 1.440 Additional Criteria for High Schools
 1.445 Required Course Substitute
 1.450 Special Programs
 1.460 Credit Earned Through Proficiency Examinations
 1.462 Uniform Annual Consumer Education Proficiency Test
 1.465 Ethnic School Foreign Language Credit and Program Approval
 1.470 Adult and Continuing Education
 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

- Section
 1.510 Transportation
 1.520 School Food Services
 1.530 Health Services
 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

- Section
 1.610 Public School Districts
 1.620 Accreditation of Staff
 1.630 Noncertificated Personnel
 1.640 Requirements for Different Certificates
 1.650 Transcripts of Credits
 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

- Section
 1.705 Minimum Requirements for Teachers
 1.710 Minimum Requirements for Elementary Teachers
 1.720 Minimum Requirements for Teachers of Middle Grades
 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
 1.735 Requirements to Take Effect on July 1, 1991
 1.736 Requirements to Take Effect on July 1, 1994
 1.740 Standards for Reading
 1.750 Standards for Media Services
 1.760 Standards for Pupil Personnel Services
 1.770 Standards for Special Education Personnel
 1.780 Standards for Teachers in Bilingual Education Programs
 1.781 Requirements for Bilingual Education Teachers in Grades K-12
 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
 1.790 Substitute Teacher

STATE BOARD EDUCATION

NOTICE OF PROPOSED AMENDMENT

- APPENDIX A Professional Staff Certification
 APPENDIX B Certification Quick Reference Chart
 APPENDIX C Glossary of Terms
 APPENDIX D State Goals for Learning
 APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)
 APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)
 APPENDIX G Criteria for Determination - State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 5-1, 10-17a, 10-20.14, 10-22.43a, 13A-5, 14C-8, 17-1.5, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and Article 21 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 5-1, 10-17a, 10-20.14, 10-22.43a, 13A-5, 14C-8, 17-1.5, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 2-3.6 and Art. 21].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001.

SUBPART G: STAFF QUALIFICATIONS

Section 1.710 Minimum Requirements for Elementary Teachers

- a) Each elementary teacher shall hold a valid certificate for the grade level to be taught.
 b) Each elementary teacher shall have formal training in each basic instructional area to be taught. This regulation shall apply only to those individuals first assigned to an elementary position on or after September 1, 1978.
 c) For purposes of receiving an endorsement in self-contained general education on an elementary certificate received by splitting a special certificate pursuant to Section 21-4 of the School Code [105 ILCS

STATE BOARD EDUCATION

NOTICE OF PROPOSED AMENDMENT

5/21-4] and Appendix C of the State Board's rules for Certification (23 Ill. Adm. Code 25), "formal training" means one course in each of the following areas:

- 1) Language Arts
- 2) Mathematics
- 3) Science
- 4) Social Science
- 5) Physical Education
- 6) Health
- 7) Fine Arts
- 8) General Elementary Teaching Methods
- 9) Elementary Reading Teaching Methods

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) Heading of the Part: Men's Health Code

2) Code Citation: 77 Ill. Adm. Code 950

3) Section Numbers:

950.10	<u>Proposed Action:</u>
	New Section
950.20	New Section
950.30	New Section
950.40	New Section
950.50	New Section
950.60	New Section
950.70	New Section
950.80	New Section
950.200	New Section
950.210	New Section
950.220	New Section
950.230	New Section
950.240	New Section
950.250	New Section
950.260	New Section
950.300	New Section
950.310	New Section
950.320	New Section
950.330	New Section
950.340	New Section
950.350	New Section
950.360	New Section
950.370	New Section

4) Statutory Authority: Implementing and authorized by Sections 2310-397 and 2310-398 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310-397 and 2310-398] and by the Illinois Grant Funds Recovery Act [30 ILCS 705].

5) A Complete Description of the Subjects and Issues Involved: The rules implement legislation creating the programs for prostate cancer research grants, prostate and testicular cancer awareness, and prostate cancer screening. Subpart A of the rules includes general provisions for reporting, grant notification, grant expiration, grant termination, hearings, and grant funds recovery. Subpart B includes provisions for the prostate cancer research grants, including eligibility, application, review, grant use, and progress reporting. Subpart C includes provisions for the prostate and testicular cancer awareness and screening program, including application, review, grant use, and progress reporting.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice appears in the *Illinois Register*. Under Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75 and 5-30], a small business may present comments in writing to the Department and identify its status as a small-business in those comments. Please send written comments on the proposed rulemaking within 45 days after the publication of this issue of the *Illinois Register* to the following address:

Paul Thompson, Staff Counsel
Illinois Department of Public Health
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761-0001
217/782-2043 or e-mail: rules@idph.state.il.us

12) Initial Regulatory Flexibility Analysis.

- A) Type of small businesses, small municipalities, and nonprofit corporations affected: Grant applicants.
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The rulemaking had not been approved by the advisory board at that time.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 950
MEN'S HEALTH CODE

SUBPART A: GENERAL PROVISIONS

Section	Definitions
950.10	Reports
950.20	Grant Notification
950.30	Expiration
950.40	Termination
950.50	Denial, Suspension, or Revocation
950.60	Hearings
950.70	Grant Funds Recovery
950.80	

SUBPART B: PROSTATE CANCER RESEARCH FUND

Section	Purpose
950.200	Prostate Cancer Research Grants
950.210	Eligibility
950.220	Application
950.230	Application Review
950.240	Grant Use
950.250	Progress Reporting
950.260	

SUBPART C: PROSTATE AND TESTICULAR CANCER PROGRAM

Section	Purpose
950.300	Prostate and Testicular Cancer Program
950.310	Prostate Cancer Screening Program
950.320	Application
950.330	Application Review
950.340	Grant Use
950.350	Progress Reporting
950.360	

AUTHORITY: Implementing and authorized by Sections 2310-397 and 2310-398 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-397 and 2310-398] and by the Illinois Grant Funds Recovery Act [30 ILCS 705].

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

SUBPART A: GENERAL PROVISIONS

Section 950.10 Definitions

"Clinical Trial" means the testing of diagnostic, treatment, and prevention techniques by comparing results in patients randomly assigned to receive one of two or more techniques being tested.

"Cure" means the eradication of disease through removal of the risk of death invoked by the disease that was treated.

"Department" means the Department of Public Health.

"Director" means the Director of Public Health.

"Early Detection" means the discovery of prostate or testicular cancer in a man previously thought to be free of these cancers and at the first possible time when spread to other organs is least likely to occur.

"Fellowship" means supervised practical experience for an individual in a health care or scientific specialty beyond that required to earn a doctorate or, in the case of medicine, beyond that provided to hospital resident physicians to broaden expertise in prostate cancer.

"Funding Period" means the time (usually 12 months coinciding with the State's Fiscal Year) during which money is to be spent in support of a particular research project, program, or training course.

"General Award" means presentation of funds by the Department to an applicant to conduct research on prostate cancer.

"Governmental Unit Code" means the State Comptroller's preassigned vendor identification number for governmental agencies and municipalities.

"Indirect Costs" benefitting more than one cost objective yet not readily assignable to any of the cost objectives specifically benefitted, without effort disproportionate to the results achieved.

"Non-profit Organization" includes, but is not limited to, a corporation as described in the General Not-for-Profit Corporation Act of 1986 [805 ILCS 105].

"Prevention" means using various techniques, including drugs, diet, or lifestyle changes to stop cancer from developing.

"Principal Investigator" means the person with prime responsibility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

for conducting the research project.

"Project Period" means a minimum of one year and a maximum of three years (possibility of two continuation grants).

"Prostate Cancer" means malignant tumor of the prostate characterized by uncontrolled, abnormally rapid division of cells that originate in the prostate and surrounding tissue and may spread to other organs.

"Referral" means the process of linking persons who may be or who have been diagnosed with cancer with services in response to those needs.

"Research" means a scientific investigation into possible causes, location, progression, treatment, care and cure for prostate cancer. Research includes, but is not limited to, expenditures to develop and advance the understanding, techniques, and modalities effective in prevention, cure, and treatment of prostate cancer and may include clinical trials.

"Research Fund" means the Prostate Cancer Research Fund, which is a special fund in the State Treasury as described in Section 2310-398 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

"Research Grant" means funding provided to qualified principal investigators to investigate specific questions related to prostate cancer research.

"Screening" means examining and testing for cancer in men who have no overt symptoms of cancer. Screening includes, but is not limited to, laboratory tests, physical examination and medical history.

"Taxpayer Identification Number" means the nine digit federal Taxpayer Identification Number also known as the Federal Employer Identification Number (FEIN), Social Security Number, or Governmental Unit Code.

"Testicular Cancer" means malignant tumor of the testicle characterized by uncontrolled, abnormally rapid division of cells that originate in the testicle and surrounding tissue and may spread to other organs.

"Treatment" means the management and care for the purpose of combating prostate or testicular cancer.

Section 950.20 Reports

a) To the extent not prohibited by law, all reports issued by the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Department that are aggregated to make it impossible to identify any individual or reporting facility shall be made available to the public under the Department's Freedom of Information Code (2 Ill. Adm. Code 1126) and the Freedom of Information Act [5 ILCS 140].

- b) All requests from researchers for access to data must be submitted in writing to the Department.
- c) Disclosure of information may only be made if not otherwise prohibited by State or federal law or regulation.

Section 950.30 Grant Notification

- a) The Department shall award funds based upon the application process. The exact amount and number of grants will depend upon the amount of funds available to the Department and the number of applications received and approved.
- b) The Department may award an amount less than the amount requested in an application.
- c) The Department shall prepare grant agreements and award transmittal letters. Receipt of the transmittal letter and grant agreement for signature by the applicant shall constitute notification of a grant award.
- d) Applicants who are not awarded grant funds shall be notified in writing by the Department.
- e) The grant agreement shall not be sold, assigned, or transferred in any manner. An actual or attempted sale, assignment, or transfer of the grant agreement shall result in immediate termination and automatically render the grant agreement null, void, and of no further effect.
- f) If the grantee ceases operation, then the grant agreement shall be terminated. The grantee must notify the Department in writing by certified mail within 10 days if the project or program operations have ceased.
- g) The general provisions of this Subpart apply to the entire Part.

Section 950.40 Expiration

Projects or programs shall end on the date specified in the grant agreement and shall not be extended or renewed, except if approved through a continuation application. A continuation application may result in a new grant agreement with a new expiration date.

Section 950.50 Termination

- a) Except as otherwise provided in this Section, the grant agreement may be terminated by either party upon 30 calendar days written notice to the other party as specified in the grant agreement.
- b) The grant agreement may be terminated immediately without penalty of further payment being required if the General Assembly fails to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

appropriate or otherwise make available sufficient funds for the award or if sufficient funds are not available in the Prostate Cancer Research Fund, a special fund in the State Treasury.

- c) The Department may immediately suspend funding or terminate the contract of a grantee who has substantially failed or continually failed to comply with statute, this Part, another regulation, or the grant agreement.

Section 950.60 Denial, Suspension, or Revocation

- a) The Director may deny the application for grant funds or may suspend or revoke the grant agreement of a grantee when finding substantial or continued failure to comply with statute, this Part, another regulation, or the grant agreement. Except as provided in subsection (b), the Director must provide notice and an opportunity for a hearing to the party before executing the denial, suspension, or revocation.
- b) If the Director finds that the public interest, health, safety, or welfare requires emergency action, then the Director may immediately order summary suspension of a grant agreement pending proceedings for revocation. The Director's order must be written and include the reasons for the public emergency. These proceedings shall be promptly instituted and promptly determined.
- c) The notice of the denial, suspension, or revocation shall be made by certified mail or by personal service, state the particular reasons for the proposed action, and provide the opportunity to request a hearing. If a written hearing request is not received within 10 days after receipt of the notice, then the right to a hearing is deemed to be waived.

Section 950.70 Hearings

The Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) apply to proceedings conducted under this Part. Where the terms "license" and "licensing" are used in Part 100, the definitions of those terms shall be expanded to include a grant applicant, a grantee awarded funds, and a grant agreement executed under this Part.

Section 950.80 Grant Funds Recovery

Grants made under this Part are also subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Part conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

SUBPART B: PROSTATE CANCER RESEARCH FUND

Section 950.200 Purpose

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

The purpose of grants under the Prostate Cancer Research Fund is to support research applicable to prostate cancer patients by public or private entities in Illinois. The grant purposes include, but are not limited to, the use of clinical trials and treatment and prevention of prostate cancer.

Section 950.210 Prostate Cancer Research Grants

From the Prostate Cancer Research Fund, the Department of Public Health shall make grants based upon the application process for funding research applicable to prostate cancer patients. The grant funds may not be used for institutional overhead costs, indirect costs, other organizational levies, or costs of community-based support services (Section 2310-398 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-398]).

Section 950.220 Eligibility

The following persons are applicants eligible for grants under this Subpart:

- a) Physicians licensed in Illinois to practice medicine in all of its branches.
- b) State-licensed hospitals in Illinois.
- c) State-certified laboratories in Illinois.
- d) Post-secondary higher educational institutions in Illinois.
- e) Healthcare affiliated organizations in Illinois.
- f) Persons who are Illinois residents or sponsored by an Illinois facility guaranteeing benefits to Illinois residents.

Section 950.230 Application

- a) The Department shall provide a written application, instructions, and forms to potential or requesting applicants. In addition to other items required in this Part, the Department shall request at least the following items in the application:

- 1) The name, address, and telephone, facsimile, and teletypewriter numbers of the applicant and principal investigator.
- 2) The name, address, and telephone, facsimile, and teletypewriter numbers of the entity through which the application is being submitted.
- 3) The curriculum vitae of the principal investigator.
- 4) The Social Security Number, Taxpayer Identification Number, or the Governmental Unit Code assigned by the State Comptroller.
- 5) The signature of principal investigator or agency official authorized to certify the application.
- 6) A statement of whether funds are being requested for a fellowship or a general award.
- 7) A statement of the research question, hypothesis, intervention, or model program on which the research will be based.
- 8) A detailed budget for the funding period, documenting sufficient

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

resources to carry out the project. The budget shall be by line item category and shall provide sufficient detail to justify the use of grant funds to support project activities. The applicant shall indicate the total cost of conducting the project, the anticipated funding request, if applicable, for years 2 and 3 of the project, the source of other funds supporting the project, and the amount of support requested from the Department.

- 9) A one-page non-technical abstract that describes the significance of the applicant's project concerning prostate cancer.
- 10) For each objective proposed for the first year of the project, a sequential listing of activities to achieve the objective, the timeline for completing each activity, and the identification of the individual responsible for coordinating the implementation of each objective.
- 11) An approximate timetable for completion of the entire project.
- 12) A prioritized listing of measurable objectives for the funding period.
- 13) The evaluation methods to be used to measure progress in achieving objectives and a plan for monitoring the overall project.
- 14) A signed statement of assurances indicating compliance with applicable State and federal statute and regulations.
- 15) A statement of approval by an institutional review board for research involving human subjects.
- b) If the funds are being requested to support a fellowship, then the following information shall be provided in addition to the information required in subsection (a):
 - 1) The name of the individual to be supported through the fellowship.
 - 2) The curriculum vitae of the individual.
 - 3) At least one letter of recommendation from the principal investigator or agency official authorized to certify the application.
- c) Continuation applications shall contain the information required under subsection (a) and shall include at least the following additional items:
 - 1) A progress report of the status of each project activity to date, under the evaluation methods and monitoring plan specified in this Section.
 - 2) The project objectives for the new grant year, along with activities and timelines for completion of each activity.
 - 3) The revisions in the evaluation methods or the monitoring plan, with the reasons for the revisions.
 - 4) A budget and expense listing for the previous grant.

Section 950.240 Application Review

- a) The Department shall conduct a non-technical and technical review of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

each application.

- b) The non-technical review shall evaluate at least each of the following items:
 - 1) If the application contains each of the forms required under this Subpart.
 - 2) If the application contains a response to each required item as specified in this Subpart.
- c) The technical review shall evaluate at least each of the following items:
 - 1) If the activities identified by the applicant will lead to achievement of the objectives.
 - 2) If the project objectives are achievable in the stated timeframe.
 - 3) If the project's evaluation methods will measure progress toward the identified objectives.
 - 4) If the budget provides sufficient resources and justifies the need for funds to carry out the project.
 - 5) If continuation applicants have documented the status of each activity supporting the current year's objectives and have provided an estimate of the extent to which each current year objective will be met.

Section 950.250 Grant Use

- a) Except as otherwise provided in this Part, project funds shall only be used for the direct cost of administering, operating, and maintaining a project. Project grant funds cannot be used for institutional overhead costs, indirect costs, other organizational levies, or costs of community-based support services. The following direct costs are examples of those that may be incurred when specified in the grant agreement:
 - 1) Personal services costs, including gross salaries and employer paid fringe benefits for full-time and part-time employees of the project.
 - 2) Contractual services costs, including, but not limited to, fees for consultants and specialists, exclusive of consultant services for patient care; lab and other directly related test costs; conference registration fees; repair and maintenance of equipment; postage and postal services; training and education costs; software; and telecommunications costs.
 - 3) Travel of personnel in carrying out authorized activities. Proper travel costs include the expenses for transportation, lodging, and subsistence for personnel who are on travel status on official business for the applicant. Out-of-State travel expenses require prior written approval of the Department.
 - 4) Supplies and commodities, as required in the operation of the project, that are directly related to its operation. Supplies include, but are not limited to, office, medical, and educational supplies; equipment items costing less than \$100 each; printing;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- and paper.
- 5) Equipment directly related to the operation of the project. Equipment includes only those items costing over \$100 with a useful life of more than one year. Equipment costs include all freight and installation expenses. Purchase of equipment items, other than those included in the approved budget, require prior written approval from the Department.
- b) Payments to the grantee shall be made on a reimbursement basis.
 - 1) The grantee shall use the Department's Reimbursement Certification Form to request payment.
 - 2) The grantee shall document actual expenditures incurred for the purchase of goods and services necessary for conducting program activities.
 - A) Expenditures shall be itemized on the Reimbursement Certification Form in such a manner as to establish an audit trail for future verification of appropriate use of grant funds.
 - B) Each item claimed on the reimbursement certification form must be based on an expenditure traceable through the grantee's internal accounting system and shall include at least the following items:
 - i) Check number or internal ledger transfer code.
 - ii) Date of payment.
 - iii) Dates goods or services were received for the reimbursement period.
 - iv) Description of the goods or services and gross amount of the check or transfer.
 - v) Amount claimed for reimbursement from the Department.
 - c) The grantee shall submit requests for reimbursement periodically as determined by the Department throughout the period of the grant. The final request for reimbursement shall be submitted within 45 calendar days after the end of the grant agreement period.
 - d) Requests for budget adjustments shall be submitted to the Department in writing and shall be received by the Department no later than 45 calendar days before the end of the funding period.

Section 950.260 Progress Reporting

- a) Applicants will be required to submit written reports of progress toward achieving objectives at each of the following times:
 - 1) Each 6-month interval after the start of the funding period.
 - 2) The submission of a continuation application.
 - 3) The conclusion of the funding period.
- b) The reports must include at least each of the following items:
 - 1) Information reflecting the status of the project under the proposed timeframes reflected in the application.
 - 2) Information on each objective addressing the methods implemented to achieve the status.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 3) A projection of methods and timeframes involved to accomplish the objectives within the timeframe remaining, except for the submission of the project summary report.
- 4) A project summary at the close of the project period documenting the achievements and ultimate conclusions derived as result of the project.
- 5) A specification of the budget and use of funds.
- c) The Department reserves the right to request an oral presentation concerning a status or an end-of-project report for the benefit of the Department or other formally recognized audiences.

SUBPART C: PROSTATE AND TESTICULAR CANCER PROGRAM

Section 950.300 Purpose

The purpose of the Prostate and Testicular Cancer Program is to support awareness, early detection, and screening applicable to prostate and testicular cancer patients by public or private entities in Illinois.

Section 950.310 Prostate and Testicular Cancer Program

- a) *The Department of Public Health, subject to appropriation or other available funding, shall conduct a program to promote awareness and early detection of prostate and testicular cancer. The program may include, but need not be limited to:*

- 1) dissemination of information regarding the incidence of prostate and testicular cancer, the risk factors associated with prostate and testicular cancer, and the benefits of early detection and treatment;
- 2) promotion of information and counseling about treatment options;
- 3) establishment and promotion of referral services and screening programs; and
- 4) making grants for these purposes (Section 2310-397 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-397]).
- b) The applicants eligible for grants under this Section include, but are not limited to, the following entities:
 - 1) Certified local health departments that provide public health programs as defined in the Local Health Protection Grant Rules (77 Ill. Adm. Code 615).
 - 2) State-licensed hospitals in Illinois.
 - 3) Post-secondary higher educational institutions in Illinois.
 - 4) Healthcare affiliated organizations in Illinois.

Section 950.320 Prostate Cancer Screening Program

- a) *Subject to appropriation or other available funding, the Department shall establish a Prostate Cancer Screening Program for the following*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

persons:

- 1) *Uninsured and underinsured men 50 years of age and older.*
- 2) *Uninsured and underinsured men between 40 and 50 years of age who are at high risk for prostate cancer, upon the advice of a physician or upon the request of the patient.*
- b) *Any entity funded by the Department shall coordinate with other local providers of prostate cancer screening, diagnostic, follow-up, education, and advocacy services to avoid duplication of effort. Any entity funded by the Department shall comply with any applicable State and federal standards regarding prostate cancer screening.*
- c) *Any entity funded by the Department shall collect data and maintain records that are determined by the Department to be necessary to facilitate the Department's ability to monitor and evaluate the effectiveness of the entities and the program. [20 ILCS 2310/2310-397]*
- d) The applicants eligible for grants under this Section must be non-profit organizations and include, but are not limited to, the following entities:
 - 1) Certified local health departments that provide public health programs as defined in the Local Health Protection Grant Rules (77 Ill. Adm. Code 615).
 - 2) Non-profit State-licensed hospitals in Illinois.
 - 3) Non-profit post-secondary higher educational institutions in Illinois.
 - 4) Non-profit healthcare affiliated organizations in Illinois.

Section 950.330 Application

The Department shall provide a written application, instructions, and forms to potential or requesting applicants. In addition to other items required in this part, the Department shall request at least the following items in the application:

- a) The name, address, and telephone, facsimile, and teletypewriter numbers of the applicant.
- b) The name, address, and telephone, facsimile, and teletypewriter numbers of the entity through which the application is being submitted.
- c) A two-page non-technical abstract that describes the significance of the applicant's program concerning prostate or testicular cancer.
- d) The Social Security Number, Taxpayer Identification Number, or the Governmental Unit Code assigned by the State Comptroller.
- e) The signature of the agency official authorized to certify the application.
- f) A detailed budget for the funding period, documenting sufficient resources to carry out the program. The budget shall be by line item category and shall provide sufficient detail to justify the use of grant funds to support program activities.
- g) An approximate timetable for completion of the entire program.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- h) A signed statement of assurances indicating compliance with applicable State and federal statute and regulations.

Section 950.340 Application Review

The Department shall review each application, and at a minimum, evaluate the following items:

- a) If the application contains the items required under this Subpart.
- b) If the budget provides sufficient resources and justifies the need for funds to carry out the program.
- c) If continuation applicants have documented the status of the program.

Section 950.350 Grant use

- a) Except as otherwise provided in this Part, program funds shall only be used for the direct cost of administering, operating, and maintaining a program. Grant funds may not be used for indirect costs of more than 12% of the funding amount. The following direct costs are examples of those that may be incurred when specified in the grant agreement:

- 1) Personal services costs, including gross salaries and employer paid fringe benefits for full-time and part-time employees of the program.
- 2) Contractual services costs, including, but not limited to, fees for consultants and specialists, exclusive of consultant services for patient care; lab and other directly related test costs; conference registration fees; repair and maintenance of equipment; postage and postal services; training and education costs; software; and telecommunications costs.
- 3) Travel of personnel in carrying out authorized activities. Proper travel costs include the expenses for transportation, lodging, and subsistence for personnel who are on travel status on official business for the applicant. Out-of-State travel expenses require prior written approval of the Department.
- 4) Supplies and commodities, as required in the operation of the program, that are directly related to its operation. Supplies include, but are not limited to, office, medical, and educational supplies; equipment items costing less than \$100 each; printing; and paper.
- 5) Equipment directly related to the operation of the program. Equipment includes only those items costing over \$100 with a useful life of more than one year. Equipment costs include all freight and installation expenses. Purchase of equipment items, other than those included in the approved budget, require prior written approval from the Department.
- b) Payments to the grantee shall be made on a reimbursement basis.
 - 1) The grantee shall use the Department's Reimbursement Certification Form to request payment.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 2) The grantee shall document actual expenditures incurred for the purchase of goods and services necessary for conducting program activities.

- A) Expenditures shall be itemized on the Reimbursement Certification Form in such a manner as to establish an audit trail for future verification of appropriate use of grant funds.
- B) Each item claimed on the reimbursement certification form must be based on an expenditure traceable through the grantee's internal accounting system and shall include at least the following items:
 - i) Check number or internal ledger transfer code.
 - ii) Date of payment.
 - iii) Dates goods or services were received for the reimbursement period.
 - iv) Description of the goods or services and gross amount of the check or transfer.
 - v) Amount claimed for reimbursement from the Department.
- c) The grantee shall submit requests for reimbursement periodically as determined by the Department throughout the period of the grant. The final request for reimbursement shall be submitted within 45 calendar days after the end of the grant agreement period.
- d) Requests for budget adjustments shall be submitted to the Department in writing and shall be received by the Department no later than 45 calendar days before the end of the funding period.

Section 950.360 Progress Reporting

- a) Applicants will be required to submit written reports of progress toward achieving objectives at each of the following times:
 - 1) Each 6-month interval after the start of the funding period.
 - 2) The conclusion of the funding period.
- b) The reports must include at least each of the following items:
 - 1) The number of people served by the program.
 - 2) The ethnic, geographic, and age breakdowns of the people served by the program.
 - 3) The stages of presentation of any prostate or testicular cancer diagnosed in the people served by the program.
 - 4) The diagnostic and treatment status of the people served by the program.
 - 5) A specification of the budget and use of funds.
- c) The Department reserves the right to request an oral presentation concerning a status or an end-of-program report for the benefit of the Department or other formally recognized audiences.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Airport Land Loan Program

2) Code Citation: 92 Ill. Adm. Code 15

3) Section Numbers: 15.70
Proposed Action: Amend

4) Statutory Authority: Implementing and authorized by Section 34b of the Illinois Aeronautics Act [620 ILCS 5/34b].

5) A Complete Description of the Subjects and Issues Involved: By this notice, the Department is proposing to clarify the provision concerning appraisers at Section 15.70(g)(1). The proposed revision allows any appraiser with a certified general real estate appraiser designation from the State of Illinois to appraise properties rather than just those included on a Department list.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Airport Sponsors that participate in the program can utilize any State-certified general real estate appraiser of their choice.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

Mr. James V. Bildilli
Chief, Bureau of Airport Engineering
Illinois Department of Transportation
Division of Aeronautics
#1 Langhorne Bond Drive
Springfield, Illinois 62707-8415
(217)785-8514

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217)782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Self employed State-certified general real estate appraisers.

B) Reporting, bookkeeping or other procedures required for compliance: Records must be kept in compliance with the Office of Banks and Real Estate.

C) Types of professional skills necessary for compliance: Must be licensed or currently licensed as a certified general real estate appraiser.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did not anticipate the necessity of this amendment.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 15
AIRPORT LAND LOAN PROGRAM

- Section
- 15.10 Purpose
 - 15.20 Definitions
 - 15.30 Airport Eligibility
 - 15.40 Eligible Property
 - 15.50 Application Procedure
 - 15.60 Evaluating and Prioritizing Loan Applications
 - 15.70 Conditions of Loan
 - 15.80 Repayment Requirements
 - 15.90 Default

AUTHORITY: Implementing and authorized by Section 34b of the Illinois Aeronautics Act [620 ILCS 5/34b].

SOURCE: Adopted at 25 Ill. Reg. 5643, effective April 4, 2001; amended at 25 Ill. Reg. _____, effective _____.

Section 15.70 Conditions of Loan

Loans under this Part may only be issued pursuant to a binding, written agreement that contains the following conditions and requirements.

- a) The annual rate of interest shall be the lesser of either 2 percent below the Prime Rate charged by banks, as published by the Federal Reserve Board, in effect at the time the Department approves the loan, or a rate determined by the Department, after consultation with the Bureau of the Budget, that will not adversely affect the tax-exempt status of interest on the bonds of the State issued in whole or in part to make deposits into the Airport Land Loan Revolving Fund, nor diminish the benefit to the State of the tax-exempt status of the interest on such bonds. In no event shall less than 2 percent be charged. (Section 34b(b)(1) of the Act)
- b) The term of any loan shall not exceed five years, but it may be for less by mutual agreement. (Section 34b(b)(2) of the Act)
- c) The loan shall be secured with the property purchased, in whole or in part, with the loan. The property shall be collateral for the loan. The Owner shall assign a first priority interest in the property to the State and shall cooperate with the Department to record the Department's interest in the property. (Section 34b(b)(5) of the Act)
- d) No funds may be transferred to an Owner under this Part until the Department's interest in the property is secured as outlined in subsection (c) of this Section.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- e) If federal reimbursement will be requested for the real estate interest purchased with a loan granted under this Part, the real estate acquisition process must comply with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended (the Uniform Act) (42 USC 4601 et seq.). All real estate acquisition costs eligible under the Uniform Act may be paid with money lent under this Part; however, the amount of the loan cannot exceed fair market value of the property, as determined by the Department.
- f) If any or all of the interest in the property is transferred (see Section 15.80(e)), the Owner and the Department shall retain an aviation easement in the transferred property interest that meets the requirements of the Department. (See 92 Ill. Adm. Code 14 and the FAA Policy and Procedures Memorandum 5190.6, Appendix 3, June 14, 1994.)
- g) If a loan application is accepted, the Owner must do, and bear the cost of, the following:
 - 1) provide an appraisal of the property by an appraiser currently licensed as a certified general real estate appraiser with the State of Illinois listed--on the Department's list-of-approved appraisers (information regarding the list of approved appraisers can be obtained by contacting the land acquisition section of the Division of Aeronautics at (217) 785-8514);
 - 2) secure a title insurance policy for the purchase price of the parcel that is the subject of the loan; and
 - 3) file the Notice of Lien with the county recorder for the county in which the subject property is located.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Illinois Promotion Act Programs

- 2) Code Citation: 14 Ill. Adm. Code 510

- 3) Section Numbers: Adopted Action:

510.10	New Section
510.20	New Section
510.30	New Section
510.40	New Section
510.50	New Section
510.60	New Section
510.70	New Section
510.80	New Section
510.110	New Section
510.120	New Section
510.130	New Section
510.140	New Section
510.150	New Section
510.160	New Section
510.210	New Section
510.220	New Section
510.230	New Section
510.240	New Section
510.250	New Section
510.260	New Section
510.270	New Section
510.310	New Section
510.320	New Section
510.330	New Section
510.340	New Section
510.350	New Section
510.360	New Section

- 4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [2 ILCS 665].

- 5) Effective Date of Rulemaking: July 1, 2001

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: Published at 25 Ill. Reg. 4359 on March 30, 2001

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- 10) Has JCAR issued a Statement of Objection to these rules? No

- 11) Differences between proposal and final version: In addition to grammatical and stylistic changes, the following were also changed:

Deleted Section 510.90, Waiver of Prior Incurred Costs, in its entirety.

Revised the definition "Grantee".

Added the definition of "Tourism".

Revised Section 510.40, Application Procedures, to include descriptive information regarding the Department's Application guidelines and instructions.

Revised Section 510.40, Funding Limitation, to clarify funding limitations for cooperative marketing opportunities supported or promoted by the Department that includes partners across multiple jurisdictions.

Revised Sections 510.160, 510.260, and 510.360 to include more detailed descriptions of the Department's evaluation process and criteria.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace any emergency rules currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: These new Illinois Promotion Act Programs rules governing the Tourism Marketing Partnership Program, the Tourism Attraction Development Loan and Grant Program, and the Tourism Private Sector Grant Program will replace the repealed rules. These new rules include the recommended improvements and enhancements to the programs that resulted from a comprehensive study of the tourism grant programs conducted for the Department's Bureau of Tourism in 1999. That comprehensive study, which included a review of the best practices of other states' tourism grant programs, a customer satisfaction survey of grant program applicants and recipients, a review of the internal program administration procedures, and regional public input sessions, helped to identify ways these matching grant programs needed to be revised and updated to bring them more in line with current national and international tourism trends, as well as improved to make them more accessible and flexible to meet the growing and changing needs of Illinois' local tourism industry to attract visitors. Over the years, the current rules had been revised several times, making them lengthy, cumbersome, inconsistent, and confusing for potential applicants. Therefore, it became apparent that the best approach to making the necessary changes to improve and enhance these

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

programs appropriately and to incorporate the recommendations that resulted from the grant program study would be to repeal the outdated rules and to develop new, more streamlined replacement rules for the three Promotion Act grant programs. Part of this restructuring includes a general provisions subpart, including sections that are consistent across each program in general. These new replacement rules are much clearer, easier for potential applicants to understand and follow, and will help to reduce unnecessary procedures and paperwork that have evolved over the years that have become burdensome for the applicants, grantees and the program managers administering the programs.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Raya Bogard
Administrative Code Rules Manager
Illinois Department of Commerce and Community Affairs
James R. Thompson Center
100 West Randolph, Suite 3-400
Chicago IL 60601
312/814-9593

The full text of the adopted rules begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 510

ILLINOIS PROMOTION ACT PROGRAMS

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
510.10	Authority
510.20	Definitions
510.30	Form of Application
510.40	Application Procedures
510.50	Grant Agreement
510.60	Computation of Time
510.70	Severability
510.80	Administrative Requirements for Grants

SUBPART B: TOURISM MARKETING PARTNERSHIP PROGRAM

Section	
510.110	Purpose
510.120	Eligible Uses of Grant Funds
510.130	Allocation of Appropriations
510.140	Funding Limitation
510.150	Matching Funds
510.160	Evaluation and Selection Process

SUBPART C: TOURISM ATTRACTION DEVELOPMENT GRANT AND LOAN PROGRAM

Section	
510.210	Purpose
510.220	Eligible Uses of Grant and Loan Funds
510.230	Allocation of Appropriations
510.240	Funding Limitation
510.250	Matching Funds
510.260	Evaluation and Selection Process
510.270	Administrative Requirements for Loans

SUBPART D: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section	
510.310	Purpose
510.320	Eligible Uses of Grant Funds
510.330	Allocation of Appropriations
510.340	Funding Limitation
510.350	Matching Funds

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

510.360 Evaluation and Selection Process

AUTHORITY: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. 8387, effective May 23, 1994; amended at 20 Ill. Reg. 5064, effective March 11, 1996; amended at 22 Ill. Reg. 10394, effective June 1, 1998; emergency amendment at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days; emergency expired September 13, 2000; amended at 24 Ill. Reg. 15044, effective September 27, 2000; emergency amendment at 24 Ill. Reg. 18834, effective December 8, 2000, for a maximum of 150 days; emergency expired May 6, 2001; old Part repealed and new Part adopted at 25 Ill. Reg. ⁸⁻³¹⁻⁹³ ~~8-31-93~~ ⁻ ~~-~~, effective ~~_____~~.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 510.10 Authority

The Illinois Department of Commerce and Community Affairs, having been created pursuant to Executive Order No. 3 (effective 1979), has been empowered to administer the Illinois Promotion Act [20 ILCS 665].

Section 510.20 Definitions

The following definitions are applicable to this Part:

"Act": means the Illinois Promotion Act [20 ILCS 665].

"Agreement": means a written document executed between the Grantee and the Department defining the rights and obligations with respect to the Project.

"Applicant": means an organization, unit of local government or other eligible entity, as defined in Section 510.110, 510.210 or 510.310 of this Part, submitting a written request for program funds appropriated under the Act.

"Application": means a written request for program funds containing the required information and attachments.

"Borrower": means an Illinois county, municipality, not-for-profit organization, local promotion group or for-profit business that has

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

been awarded a loan in accordance with the Act.

"Bureau of Tourism": means the division of the Department that has the delegated authority to perform all administrative functions relating to the Act.

"Department": means the Department of Commerce and Community Affairs of the State of Illinois.

"Director": means the Director of the Department of Commerce and Community Affairs.

"Economic Impact": means the direct financial result of visitor spending at a tourism destination, attraction or event.

"Eligible Project": means a project that is eligible for funding as defined in Sections 510.120, 510.220, and 510.320 of this Part.

"Fiscal Year": means July 1 through June 30, the fiscal year of the State of Illinois.

"Grant Amount": means an amount that the Department shall pay to a Grantee for its use on an eligible project.

"Grantee": means an organization, unit of local government or other eligible entity, as defined in Section 510.110, 510.210, or 510.310 of this Part, eligible to receive program funds appropriated under the Act.

"Ineligible Project": means a project that is ineligible for funding as defined in Sections 510.120, 510.220, and 510.320 of this Part.

"Local Promotion Group": means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county or region of Illinois as described in Section 3(b) of the Act.

"Matching Funds": means the portion of the total project cost that is provided by the Grantee, which is not funds from other Department funded grant programs or used to match any other grant, and is necessary and irrevocably obligated to the Project.

"Municipality": means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Private Sector": means any non-governmental entity.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

"Program": means the Tourism Marketing Partnership Program, Tourism Attraction Development Loan and Grant Program, or the Tourism Private Sector Grant Program described in this Part.

"Project": means the activity or program of activities described by the Applicant in the Application and approved by the Department.

"Total Project Cost": means all necessary and reasonable costs related to the completion of the Project as identified in the budget of the grant agreement.

"Tourism": means travel 50 miles or more one-way, or an overnight trip outside of a person's normal routine.

"Tourism Attraction": means fishing and hunting areas, State parks, historical/cultural sites, areas of historic or scenic interest, museums, recreation areas, botanical gardens, theme/amusement parks, interpretive programs and other facilities or businesses that attract or serve visitors that are open to the public for a minimum of 100 days per year (if the tourism attraction is entirely event driven, then it shall be open for a minimum of 200 hours per year), and are marketed and promoted to visitors from more than 50 miles away.

"Tourism Event": means an event, such as a major convention, trade show, sporting activity, or festival, with potential to attract visitors from outside a 50-mile radius and to produce significantly increased economic impact for the State of Illinois through overnight stays.

Section 510.30 Form of Application

- a) All communications relating to the Application procedures defined in Section 510.40 shall be sent to the Illinois Bureau of Tourism of the Illinois Department of Commerce and Community Affairs, 620 East Adams, Springfield, Illinois 62701.
- b) An Application shall be typed or computer generated using the current approved format provided by the Department.
- c) An Application shall contain 1 original and the designated number of copies as required by the Department.
- d) An Application shall include information and supporting documents that will enable the Application to be evaluated based on the criteria described in Sections 510.160, 510.260 and 510.360 of this Part.
- e) Each Application, including supporting documents and attachments, shall be contained under a single cover.

Section 510.40 Application Procedures

- a) Upon request, the Department shall supply interested entities with

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Application guidelines and instructions that describe the program rules, required information, and attachments. Applications under these programs will be accepted on an ongoing basis beginning May 1, with grants awarded July 1 through the end of each fiscal year, or until all appropriated funds have been awarded. Applications must be received a minimum of 60 days prior to the project initiation date in order to be considered for funding.

- b) An Application will be considered delivered on the date it is postmarked or hand delivered to the Bureau of Tourism at the Department's Springfield address.
- c) Within 15 business days after the Department receives the Application, the Program Manager shall notify the Applicant whether, after a brief review, the Application and attachments, if any, are complete. This notice is not in any way an acknowledgment by the Department as to the adequacy of the substance of the Application. If the Application and attachments are incomplete, the Applicant shall be notified of the deficiencies. The Applicant will then have 15 business days to cure any deficiencies. In the event the Applicant fails to cure all deficiencies within the 15 business days, the Application shall be considered null and void and returned to the Applicant.
- d) Within 60 days from the date an Application is determined to be complete, the Program Manager shall notify the Applicant that the Application has been approved or rejected. If the Application has been rejected, the notification shall state the reasons for that determination.

Section 510.50 Grant Agreement

- a) When a grant has been awarded, the Grantee and the Department shall execute an agreement. The agreement shall be executed between the Grantee and the Director of the Department or the Director's designee on behalf of the Department. The Project shall not be initiated and costs shall not be incurred prior to the time the Department approves the Application in order for the costs to be eligible for funding.
- b) The agreement shall contain substantive provisions, including, but not limited to, the following:
 - 1) A recitation of legal authority pursuant to which the agreement is made;
 - 2) An identification of the Project scope and schedule, and the work or services to be performed or conducted by the Grantee;
 - 3) An identification of the grant amount;
 - 4) The conditions and manner in which the Department shall pay the grant amount subject at all times to annual appropriation by the General Assembly;
 - 5) The irrevocable promise of the Grantee to pay the local match of the Total Project Cost;
 - 6) A promise by the Grantee not to assign or transfer any of the rights, duties or obligations of the Grantee without the written

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- consent of the Department;
- 7) A promise by the Grantee not to amend the agreement without the written consent of the Department. Failure to do so will result in a cost disallowance. The Project must be completed by the completion date of the notice of grant award unless a written request for an extension is submitted no later than 30 days prior to the award completion date;
 - 8) A covenant that the Grantee shall expend the grant amount and any accrued interest only for the purposes of the project as stated in the grant agreement and approved by the Department; and
 - 9) A covenant that the Grantee shall refrain from entering into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Act.

Section 510.60 Computation of Time

Computation of any period of time prescribed by this Part shall begin with the first business day following the day on which the act, event or development initiating that period of time occurs, and shall run until the end of the last day or the next business day if the last day is a Saturday, Sunday or federal or State holiday. When the period of time is 5 days or less, Saturday, Sunday and federal or State holidays shall be excluded in the computation of time. Timeliness shall be deemed the date of postmark or the date of hand delivery.

Section 510.70 Severability

If any Section, subsection, subdivision, paragraph, sentence, clause or phrase in this Part or any portion thereof is for any reason held to be unconstitutional or invalid or ineffective by any form of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Part or any portion thereof.

Section 510.80 Administrative Requirements for Grants

- a) Termination of Grant - Grants shall be terminated for the following reasons:
 - 1) Termination Due to Loss of Funding - In the absence of State funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of State funding, the Department will make proportionate cuts to all Grantees. In the event the Department suffers such a loss of funding in full or part, the Department will give the Grantee written notice setting forth the effective date of full or partial termination or, if a change in funding is required, setting forth the change in funding and changes in the approved budget.
 - 2) Termination for Cause

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- A) If the Department determines that the Grantee has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances that will result in the termination of a grant include, but are not necessarily limited to, the following: consistent failure to submit required reports; failure to maintain required records; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.
- B) The Department shall notify the Grantee in writing, within 10 working days after the determination to terminate, of the reasons for such termination and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be made in accordance with legal rights and liabilities in the grant agreement.
- 3) Termination by Agreement - The Department and the Grantee shall terminate the grant in whole or in part when the Department and the Grantee agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditure of funds. The Department and the Grantee shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Grantee for the Department's share of the noncancelable obligations, properly incurred by the Grantee prior to termination.
- b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] all interest earned on funds held by the Grantee under the grant shall become part of the grant when earned, as long as this amount does not exceed the maximum allowable grant award. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.
- c) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act [30 ILCS 705/4], all funds, including any interest, remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Grantee, shall be returned to the Department within 45 days after the end of the relevant period. The Grantee agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.
- d) Audits - A Grantee shall be responsible for securing a compliance audit for any grant award exceeding \$300,000. Additionally, an audit may be required when certain risk conditions exist, including, but not limited to, a negative compliance history and disclosure of previous

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

material audit findings. The audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. The audit shall be conducted in accordance with generally accepted auditing standards contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2000, no later editions are incorporated).

e) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants.

f) Monitoring and Evaluation - Grantee shall permit any agent authorized by the Department, upon presentation of credentials, in accordance with the constitutional limitation on administrative searches, to have full access to and the right to examine any documents, papers, and records of the Grantee involving transactions related to a grant from the Department. Once the Department has concluded its monitoring activities, the Grantee will be notified of the Department's findings. If a determination of noncompliance has been made by the Department, the Grantee will be allowed an opportunity to cure any and all noncompliance issues. If any noncompliance issues cannot be resolved, the Department will issue a notice requesting that the Grantee repay any funds that are determined by the Department to have been spent in violation of the agreement. If the Grantee fails to comply with the Department's notice, the Department shall issue a final notice providing the Grantee the opportunity to request an administrative hearing pursuant to the Department's Administrative Hearing Rules found at 56 Ill. Adm. Code 2605.

g) Complaint Process - An administrative hearing is initiated by a party serving a Petition for Hearing on the Department, or by the Department serving a Notice of Charges on the Grantee. In either case, the Department and the Grantee shall follow the Administrative Hearing Rules as set forth in 56 Ill. Adm. Code 2605.

h) Certifications - The Grantee shall certify that it has not been barred from contracting with a unit of State or local government as a result of a violation of 720 ILCS 5/33E-3 and 33E-4.

i) Reports - Grantee shall submit, as required by the Department, reports on the financial status of the project and reports on outcomes and results of the project.

SUBPART B: TOURISM MARKETING PARTNERSHIP PROGRAM

Section 510.110 Purpose

Section 5 of the Act authorizes the Department to make grants to counties, municipalities, not-for-profit organizations, and local promotion groups located in the State of Illinois to assist in the promotion of tourism

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

destinations, attractions and events.

Section 510.120 Eligible Uses of Grant Funds

a) Eligible Promotional Projects and Activities - The Program shall provide matching grants to eligible applicants to assist in promotional activities including, but not limited to, the following:

1) Production and printing of travel related brochures that are primarily used as fulfillment for advertising placed outside of 50 miles;

2) Advertising primarily directed toward areas outside of 50 miles from the attraction, event, or area being promoted;

3) Rental of billboard space and artwork, design and production of billboard advertising to promote a destination, attraction, event or other travel related service;

4) Web site development;

5) Marketing research;

6) Travel/trade show booth space rental and expenses (i.e., electric, furniture rental, cleaning, etc.), and travel/trade show registration fees for both domestic and international marketing;

7) 1-800 number telephone expenses for visitor inquiries; and

8) Expenses for shipping and distribution of promotional publications, purchase and use of mailing lists for direct mail promotions, and postage used for fulfillment.

b) Ineligible Promotional Projects and Activities - Projects and activities ineligible for funding are those that do not contribute to increasing visitation and travel expenditures in the State, including, but not limited to:

1) Administrative expenses (e.g., stationery, envelopes, phone, rent, newsletters, supplies, personnel or equipment) except for 1-800 number phone expenses for visitor inquiries;

2) Normal postage, distribution and shipping expenses except for those allowed in subsection (a)(8);

3) Association or organizational dues;

4) Street banners, bumper stickers, placemats, or any type of specialty items;

5) Any type of quick-print materials;

6) Purchase or rental of projectors, television sets, or video recorders;

7) Projects solely promoting for-profit entities;

8) Event production expenses (e.g., audio equipment, awards, entertainment, fireworks, portable restrooms, hired labor, refreshments, etc.);

9) Travel expenses (transportation, lodging, per diem);

10) Maintenance fees associated with a website; and

11) Promotion of county fairs.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Section 510.130 Allocation of Appropriations

Annual appropriations made by the General Assembly to the Department for the purpose of making grants under Section 5 of the Act for promotional activities are allocated by the Department pursuant to Section 8(1) of the Act.

Section 510.140 Funding Limitation

The total project cost must equal or exceed \$3,000 in order to be considered for a grant award.

- a) Up to 40% of the total project cost may be funded for approved projects generating additional visitation to the area from outside 50 miles but generating limited overnight stays.
- b) Up to 50% of the total project cost may be funded for projects that generate significant visitation and overnight stays to the area.
- c) Up to 60% of the total project cost may be funded for:
 - 1) First-time marketing activities that have the ability to generate significant visitation and overnight stays;
 - 2) Advertising of a value-added package, including overnight accommodations with attraction admission, coupons, etc.;
 - 3) Marketing an entire heritage tourism demonstration area or scenic byway; and
 - 4) Projects including partners across multiple jurisdictions outside their normal designated service area.

- d) The maximum grant amount for any one Grantee in a fiscal year shall be \$50,000, unless a project is a cooperative marketing opportunity supported or promoted by the Department that includes partners across multiple jurisdictions. However, if on February 1 funds remain available, Grantees who have reached their maximum grant amount of \$50,000 can apply for additional funds.

- e) Grantees that charge "for-profit" participants for inclusion in promotional projects must also include the promotion of the entire destination in such advertisements. Charges for participation from any source cannot exceed the match requirement or it will lower the Department's grant award.

Section 510.150 Matching Funds

The Grantee shall provide matching funds to the total project cost that:

- a) Are identified in the budget of the grant agreement;
- b) In no case shall be less than 40% of the total project cost;
- c) Are not funds from other Department funded grant programs or funds used to match any other grants; and
- d) Are necessary and irrevocably obligated to the Project.

Section 510.160 Evaluation and Selection Process

- a) Upon completion of the Application procedure as described in Section

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

510.40, the Department's internal review committee shall conduct an evaluation of each Application. The criteria used in determining whether an Application will be considered for a grant award include, but are not limited to, the following:

- 1) Does the Project promote a viable tourism destination, attraction or event located within 30 miles of an area with supporting visitor services?
 - 2) Is the Project part of the Applicant's overall marketing plan?
 - 3) Does the Project include repeat marketing efforts and do the results from those efforts justify repeat funding?
 - 4) Do the geographic advertising markets appear reasonable and based upon research?
 - 5) Will a majority of the marketing be targeted to attract visitors from outside 50 miles?
 - 6) Does the Project encompass multiple attractions, municipalities, or counties?
 - 7) Does the Project demonstrate how it will increase visitation, length of stay and/or tourism expenditures from outside 50 miles?
 - 8) Does the Project include tracking and evaluation measures?
 - 9) Will the Project have a significant impact on the area's overall tourism efforts?
- b) The Department's internal review committee shall evaluate the criteria using a point system with ratings of 1 through 10, using the following guidelines:
- 1) A rating of 1 means that the Application meets the criteria at a minimum level;
 - 2) A rating of 3 means that the Application meets the criteria at a below average level;
 - 3) A rating of 5 means that the Application meets the criteria at an average level;
 - 4) A rating of 7 means that the Application meets the criteria at an above average level; and
 - 5) A rating of 10 means that the Application meets the criteria at an exceptional level.
- c) Internal review committee members may deduct points from their overall scores for deficiencies in accountability, timeliness and effectiveness in how the Applicant met the criteria in subsection (a) of this Section on the most recent grant performance by deducting:
- 1) 1 point for minimum deficiencies;
 - 2) 3 points for above average performance;
 - 3) 5 points for average performance;
 - 4) 7 points for below average performance; or
 - 5) 10 points for poor performance.
- d) The scores of the Department's internal review committee are averaged to obtain the Applications's total score. An Application must receive a minimum of 40 points to be considered eligible for funding. The internal review committee shall forward all eligible Applications together with its recommendations to the Director for final

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.

SUBPART C: TOURISM ATTRACTION DEVELOPMENT GRANT AND LOAN PROGRAM

Section 510.210 Purpose

Section 8a of the Act authorizes the Department to make grants and loans to counties, municipalities, not-for-profit organizations, local promotion groups, and for-profit businesses for the development or improvement of tourism attractions in Illinois.

Section 510.220 Eligible Uses of Grant and Loan Funds

a) Eligible Projects and Activities - The Program shall provide grants and loans to eligible Applicants for projects and activities including, but not limited to, the following:

- 1) Capital Projects - land acquisition, construction, renovation or acquisition of buildings;
 - 2) Equipment - purchase and installation of machinery and equipment;
 - 3) Training - development and presentation of hospitality, quality service and/or other types of tourism training programs intended to provide a competitive workforce for the tourism industry of Illinois;
 - 4) Studies - feasibility, research, development, and marketing studies dedicated to improving and developing tourism specific attractions; and
 - 5) Interpretive Programs - creation, implementation and staffing of interpretive programs located within historic/cultural sites.
- b) Ineligible Projects and Activities - Projects and activities ineligible for funding include, but are not limited to, the following:

- 1) Debt refinancing;
- 2) Contingency funding;
- 3) Normal operating expenses;
- 4) Routine staff;
- 5) Operating expenses; and
- 6) Administrative expenses.

Section 510.230 Allocation of Appropriations

Annual appropriations made by the General Assembly to the Department for the purpose of making loans and grants under Section 8a of the Act may be used by the Department in any county in the State.

Section 510.240 Funding Limitation

The Department shall provide no more than 50% of the entire amount of actual expenditures for a single project, not to exceed \$1,000,000.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Section 510.250 Matching Funds

a) The Grantee shall provide matching funds to the total project cost that:

- 1) Are identified in the budget of the grant agreement;
- 2) In no case shall be less than 50% of the total project cost, if the Grantee is a county, municipality, not-for-profit organization or local promotion group;
- 3) In no case shall be less than 75% of the total project cost, if the Grantee is a for-profit business;
- 4) Are not funds from other Department funded grant programs or funds used to match any other grants; and
- 5) Are necessary and irrevocably obligated to the Project.

b) Allowable match includes:

- 1) Term loan proceeds, bond sale proceeds, or other forms of financial institution participation;
- 2) Other public grant or loan program funds;
- 3) Retained earnings, proceeds of a public stock offering, or other cash equity, excluding pre-project officer notes payable, off-balance sheet debt financing and goodwill;
- 4) Local hotel/motel tax, membership dues, or other cash contributions; and
- 5) In-kind contributions necessary to complete the project and for which the cash value is easily documented (i.e., donated labor, equipment, supplies and materials), and that are eligible grant and match line-item expenditures identified in the budget of the grant agreement. In-kind contributions may only be used as allowable match by municipalities, counties, not-for-profit organizations, or local promotion groups and cannot exceed 25% of the match requirement.

c) Unallowable match includes:

- 1) Costs incurred or funds expended prior to the date of grant or loan award unless those costs are approved by the Department as being otherwise compliant with the provisions of this Part and consistent with the purposes of the Act;
- 2) Funds from other Department funded grant programs (although they may be used to further the Project);
- 3) Existing equipment, buildings, furnishings, or inventory, already owned;
- 4) Lines of credit;
- 5) Contract for deed without a due and payable clause or that is an apparent substitution for simple rent;
- 6) Post project costs such as normal operational expenses;
- 7) Debt refinancing; and
- 8) In-kind contributions, if the Grantee is a for-profit business.

Section 510.260 Evaluation and Selection Process

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- a) Upon completion of the Application procedure as described in Section 510.40, the Department's internal review committee shall conduct an evaluation of each Application. The criteria used in determining whether an Application will be considered for a grant award include, but are not limited to, the following:
- 1) Is the Project a viable tourism attraction located within 30 miles of an area with supporting visitor services?
 - 2) Does the attraction meet the definition of a tourism attraction as defined in Section 510.20 of this Part?
 - 3) Are the costs itemized on the budget reasonable and necessary to enhance or develop the tourism attraction?
 - 4) Is the tourism attraction currently marketed or going to be marketed to visitors from outside 50 miles?
 - 5) Does the Project demonstrate how it will increase visitation, length of stay and/or tourism expenditures from outside 50 miles?
 - 6) Does the Project include adequate tracking and evaluation measures?
 - 7) Will the development or enhancement of the tourism attraction be completed and open to the public with regular scheduled hours at the end of the grant period?
 - 8) Will the increase in expenditures from additional visitors generate a Return on Investment (ROI) for the State within 3 years?
 - 9) Does the Project demonstrate the potential for sustainable economic growth and job creation, or a significant impact on the area's overall tourism efforts?
- b) The Department's internal review committee shall evaluate the criteria using a point system with ratings of 1 through 10, using the following guidelines:
- 1) A rating of 1 means that the Application meets the criteria at a minimum level;
 - 2) A rating of 3 means that the Application meets the criteria at a below average level;
 - 3) A rating of 5 means that the Application meets the criteria at an average level;
 - 4) A rating of 7 means that the Application meets the criteria at an above average level; and
 - 5) A rating of 10 means that the Application meets the criteria at an exceptional level.
- c) Internal review committee members may deduct points from their overall scores for deficiencies in accountability, timeliness and effectiveness in how the Applicant met the criteria in subsection (a) of this Section on the most recent grant performance by deducting:
- 1) 1 point for minimum deficiencies;
 - 2) 3 points for above average performance;
 - 3) 5 points for average performance;
 - 4) 7 points for below average performance; or
 - 5) 10 points for poor performance.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- d) The scores of the Department's internal review committee are averaged to obtain the Application's total score. An Application must receive a minimum of 40 points to be considered eligible for funding. The internal review committee shall forward all eligible Applications together with its recommendations to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.
- e) Financial Evaluation Component - The Department shall conduct a financial analysis of the loan Application submitted by for-profit companies. The Department shall review the company's financial statements, including the annual balance sheets and profit and loss statements for the past 3 years, as well as the most recent 90 days, and a 3 year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. A comprehensive business plan or company annual reports may be submitted in lieu of the aforementioned material. This shall be reviewed through a standard credit analysis that will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the 1999-2000 (no later amendments or editions included) "RMA Annual Statement Studies", published by Risk Management Association, One Liberty Plaza, 1650 Market, Suite 2300, Philadelphia, PA 19103, or a comparable source. If such industry is evaluated by this source or a comparable source. This standard credit analysis will determine the financial stability of the company and need for funding.

Section 510.270 Administrative Requirements for Loans

- a) Loan Terms - The Department shall negotiate the loan terms and amortization schedule. All payments shall be applied first to interest and then to principal.
- b) Default - Upon default, the entire principal of the loan, and any interest accrued thereon, shall become immediately due and payable upon the written demand of the Department, without any other notice or demand of any kind or any presentment of protest, when one of the following events occurs. However, if the Borrower's payments have been deferred, the Borrower shall remit payments in accordance with the deferred payment plan. The Department may grant payment deferrals on a case by case basis after reviewing the Borrower's financial statements and projections in determining whether the Borrower will be able to make payments at a future date.
- 1) Failure to Remit Payments - The Borrower shall be considered to have breached the loan agreement when a scheduled payment is not timely remitted and remains unpaid for 15 days from the due date.
 - 2) Inaccurate Representation - The Borrower shall be considered to have breached the loan agreement if it furnishes any inaccurate information, whether expressed or implied, to the Department in

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

connection with the execution and/or delivering of the loan agreement.

- 3) Breach of Terms - If the Borrower fails to perform or comply with any of its obligations or duties under the terms of the loan agreement and if that nonperformance is not cured within 30 days after notice to the Borrower, the Borrower shall be held in default after either:
 - A) the nonperformance becomes known to an executive officer of the Borrower; or
 - B) written notice is given to the Borrower by the Department.

- c) Notice of Default - The Department shall give the Borrower written notice of any breach specified in this Section. In the event the Borrower fails to cure the breach within 30 days after the notice, the Borrower shall be held in default.

d) Maintenance and Insurance of Property

- 1) The Borrower shall at all times maintain the property provided as security for the loan in such condition and repair that the Department's security will be adequately protected.
- 2) The Borrower shall maintain, during the term of the loan, adequate (at least covering the amount of the loan) hazard (e.g., tornado, hail, acts of God) insurance policies providing fire and extended coverage for all such other hazards. Insurance coverage shall be issued by an insurance company authorized to do business in the State of Illinois, with loss payable clauses in favor of the Department.
- 3) If at any time during the life of the loan, the Borrower's property is declared to be within a flood hazard area, the Borrower shall purchase federal flood insurance, if available. The flood insurance shall be equal to the amount of the loan.
- 4) The Borrower shall maintain liability and worker's compensation insurance.
- 5) The Borrower shall provide written notice to the Department of any public hearing or meeting before any administrative or other public agency that may, in any manner, affect the chattel, personal property or real estate securing the loan.

SUBPART D: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section 510.310 Purpose

Section 5 of the Act authorizes the Department to make grants to Illinois not-for-profit organizations, for-profit entities, counties, municipalities and local promotion groups to match funds from sources in the private sector for the purpose of attracting and hosting tourism events.

Section 510.320 Eligible Uses of Grant Funds

- a) Eligible Projects and Activities - Activities eligible for funding

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

include, but are not limited to, the following costs associated with attracting and hosting new events:

- 1) Advertising and marketing activities directed toward areas outside of 50 miles from the event;
- 2) Transportation and housing;
- 3) Incentives;
- 4) Building rental;
- 5) Receptions and banquets;
- 6) Registrations;
- 7) Entertainment and speakers;
- 8) Programming;
- 9) Photography, postage and printing;
- 10) Audiovisual;
- 11) Telemarketing;
- 12) Promotional items; and
- 13) Temporary staff.

Costs associated with hosting existing or repeat events will not be eligible unless documentation can be provided that the event was secured in direct competition with other states or significant enhancements will be made to the event to increase the attendance from outside 50 miles.

- b) Ineligible Projects and Activities - Activities that are ineligible for funding include, but are not limited to, the following:
 - 1) Developing or making permanent improvements to facilities;
 - 2) Purchase of equipment;
 - 3) Normal payroll or operating expenses; and
 - 4) Purchase of alcoholic beverages.

Section 510.330 Allocation of Appropriations

Annual appropriations made by the General Assembly to the Department for the purpose of making grants under Section 5 of the Act to match funds from the private sector may be used by the Department in any county of this State.

Section 510.340 Funding Limitation

The Department shall provide no more than 50% of the entire amount of eligible expenditures for a single project. Total eligible project costs must be a minimum of \$20,000.

Section 510.350 Matching Funds

- a) The Grantee shall provide matching funds to the total project cost that:
 - 1) Are identified in the budget of the grant agreement;
 - 2) In no case shall be less than an amount equal to the grant award or 50% of the total project cost;
 - 3) Are not other government funds or funds used to match any other

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- grants; and
- 4) Are necessary and irrevocably obligated to the Project.
- b) Allowable match includes:
- 1) Private Sector funds - Grant funds must be matched with dollar-for-dollar cash funding from the private sector; and
 - 2) In-kind contributions from the private sector for which the value is easily documentable, such as hotel services and transportation company services, not to exceed 25% of the match.
- c) Unallowable match includes:
- 1) Costs incurred or funds expended prior to the date of the grant award unless those costs are approved by the Department as being otherwise compliant with the provisions of this Part and consistent with the purposes of the Act;
 - 2) Post project costs not identified in the budget of the grant agreement;
 - 3) Funds from sources other than the private sector (although they may be used to further the Project);
 - 4) Funds used as match for other grant programs; and
 - 5) Normal operational expenses such as payroll costs, office and equipment rental, utilities, etc.

Section 510.360 Evaluation and Selection Process

- a) Upon completion of the Application procedure described in Section 510.40, the Department's internal review committee shall conduct an evaluation of each Application. The criteria used in determining whether an Application will be considered for a grant award includes, but is not limited to, the following:
 - 1) Is the event being held within 30 miles of an area with supporting visitor services?
 - 2) Are the costs itemized on the budget reasonable and necessary to hold the event?
 - 3) Will the event be marketed to visitors from outside 50 miles?
 - 4) Will the event attract more than 5000 visitors from outside a 50-mile radius?
 - 5) Will the event generate media coverage outside the local area?
 - 6) Will the event increase visitation, length of stay and/or tourism expenditures from outside 50 miles?
 - 7) Are there established tracking and evaluation measures for the event?
 - 8) Will the event generate a Return on Investment (ROI) of a minimum of \$1:\$1 in State tax revenues?
 - 9) Will the event have a significant impact on the area's overall tourism efforts?
- b) The Department's internal review committee shall evaluate the criteria using a point system with ratings of 1 through 10, using the following guidelines:
 - 1) A rating of 1 means that the Application meets the criteria at a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- minimum level;
- 2) A rating of 3 means that the Application meets the criteria at a below average level;
 - 3) A rating of 5 means that the Application meets the criteria at an average level;
 - 4) A rating of 7 means that the Application meets the criteria at an above average level; and
 - 5) A rating of 10 means that the Application meets the criteria at an exceptional level.
- c) Internal review committee members may deduct points from their overall scores for deficiencies in accountability, timeliness and effectiveness in how the Applicant met the criteria in subsection (a) of this Section on the most recent grant performance by deducting:
- 1) 1 point for minimum deficiencies;
 - 2) 3 points for above average performance;
 - 3) 5 points for average performance;
 - 4) 7 points for below average performance; or
 - 5) 10 points for poor performance.
- d) The scores of the Department's internal review committee are averaged to obtain the Application's total score. An Application must receive a minimum of 40 points to be considered eligible for funding. The internal review committee shall forward all eligible Applications together with its recommendations to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.
- e) Grant funds will not be used to assist one community in attracting an existing Illinois event from another Illinois community.
- f) If multiple Illinois entities apply for costs associated with attracting the same event, no entity will receive grant funds for the attraction of that event. If an Illinois entity is successful in its bid and gets the event, grant funds may be available to that entity for the hosting of the event.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 170
- 3) Section Numbers:
170.210 Adopted Action:
170.211 Amendment
170.212 New Section
170.212 New Section
- 4) Statutory Authority: Implementing the Gasoline Storage Act (430 ILCS 15) and authorized by Section 2 of the Gasoline Storage Act (430 ILCS 15/2)
- 5) Effective Date of Amendments: July 5, 2001
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 3338, March 9, 2001
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: P.A. 91-851 required the Office of the State Fire Marshal to adopt standards for fueling of motor vehicles from portable tank trucks in counties with a certain population and those counties adjacent to such counties. This rule implements that requirement and sets annual fees.
- 16) Information and questions regarding these adopted amendments shall be directed to:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Mr. Jack Ahern
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62703-4259
(217) 785-4714

The full text of the adopted amendments begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 170
STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER
REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section	Annual Fee
170.10 Definitions	
170.11 Incorporation of National Standards	
170.15 Bulk Sales Prohibited	
170.20 Storage Underground and Limited (Repealed)	
170.30 Setting of Tanks (Repealed)	
170.40 Clearance Required for Underground Tanks (Repealed)	
170.41 Location (Repealed)	
170.50 Material and Construction of Tanks (Repealed)	
170.60 Venting of Tanks (Repealed)	
170.65 Underground Tank Installations (Repealed)	
170.70 Fill Pipes (Repealed)	
170.71 Registration of Underground Storage Tanks and Payment of	
(Repealed)	
170.72 Late Registration Fee (Repealed)	
170.75 Abandonment of Underground Storage Tanks (Renumbered)	
170.76 Leaking Underground Tanks (Repealed)	
170.80 Unloading Operations	
170.90 Pumps (Repealed)	
170.91 Labeling of Containers and Pumps	
170.100 Piping (Repealed)	
170.105 Approval of Plans (Repealed)	
170.106 Installer, Repairer or Remover of Underground Storage Tanks	
(Repealed)	
170.107 Tester of Underground Storage Tanks and Cathodic Protection	
(Repealed)	
170.108 Pressure Testing (Repealed)	
170.110 Building	
170.115 Safe Heat Required	
170.120 No Flammable or Combustible Liquids Within Building - Exception	
170.130 Greasing Pits	
170.140 Wash and Greasing Rooms	
170.145 Fire Extinguishers	
170.150 Self-Service - No Self-Service Without Permit; Procedures and Regulations	
170.160 Care and Attendance	
170.170 Fire Extinguishers (Repealed)	
170.180 Sale of Fireworks	

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

170.190 Approval of Plans (Repealed)	
170.200 Defective Equipment	
170.210 Deliveries from Portable Tanks Restricted	
170.211 Dispensing or Delivery of Flammable or Combustible Motor Vehicle	
Fuels from Tank Vehicles	
170.212 Requirements for Permit to Fuel Motor Vehicles from Portable Tank	
Trucks and Tank Wagons	
170.310 Unattended Self-Service Other Than Fleet Operations	

SUBPART B: UNDERGROUND STORAGE TANKS---TECHNICAL REQUIREMENTS

Section	
170.400 Definitions	
170.410 Incorporations by Reference	
170.411 USTs Out of Operation One Year	
170.412 Delegation of Authority to Enforce UST Rules and Regulations	
170.420 Design, Construction, Installation and Notification of New UST Systems	
170.421 Piping	
170.422 Clearance Required for Underground Storage Tanks	
170.423 Pressure Testing	
170.424 Venting of Tanks	
170.425 Fill Pipes	
170.426 Pumps	
170.427 Defective or Non-Compliant Equipment	
170.428 General Requirements for UST Fuel Dispensing Systems	
170.430 Upgrading of Existing UST Systems	
170.431 Limitation on Interior Lining of USTs	
170.440 Notification Requirements for Purposes of UST Registration	
170.441 Payment of 1988 Annual UST Fee	
170.442 UST Registration Fees	
170.450 Spill and Overfill Release Control	
170.460 Operation and Maintenance of Corrosion Protection	
170.470 UST Compatibility with Product Stored	
170.480 Repairs Allowed	
170.481 Emergency Repairs	
170.490 Reporting and Recordkeeping	
170.500 General Release Detection Requirements for All UST Systems	
170.510 Release Detection Requirements for Petroleum UST Systems	
170.520 Release Detection Requirements for Hazardous Substance UST Systems	
170.530 Methods of Release Detection for Tanks	
170.540 Methods of Release Detection for Piping	
170.541 Installer, Repairer, Reliner or Remover of USTs and Obtaining Permits	
170.542 Site Plans	
170.543 Notification and Establishment of Time Certain and Date Certain for Underground Storage Tank Activity	
170.544 Tester of Underground Storage Tanks and Cathodic Protection	
170.545 USTs Inside or Under Buildings	

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

170.546 UST Restrictions at Service Stations
 170.550 Release Detection Recordkeeping
 170.560 Reporting of Suspected Releases
 170.570 Investigation Due to Off-Site Impacts
 170.580 Release Investigation and Confirmation Steps
 170.590 Reporting and Cleanup of Spills and Overfills
 170.600 Initial Response for UST Systems Containing Petroleum or Hazardous Substances
 170.610 Initial Abatement Measures and Site Assessment
 170.620 Temporary Out-of-Service Status for UST Systems
 170.630 Change-in-Service of UST Systems
 170.640 Assessing the Site at Removal or Change-in-Service of UST Systems
 170.650 Applicability to Previously Removed UST Systems
 170.660 Removal or Change-in-Service Records
 170.670 Removal or Abandonment-in-Place of Underground Storage Tanks
 170.672 Pre-'74 and Heating Oil USTs

SUBPART C: UNDERGROUND STORAGE TANKS--FINANCIAL RESPONSIBILITY REQUIREMENTS

Section
 170.700 Definitions
 170.705 Incorporation by Reference
 170.710 Applicability
 170.720 Amount
 170.730 Mechanisms of Financial Responsibility
 170.740 Proof of Financial Responsibility
 170.750 Substitution of Financial Responsibility Mechanisms by an Owner or Operator
 170.760 Cancellation or Non-Renewal by a Provider of Financial Assurance
 170.770 Reporting by Owner or Operator
 170.780 Recordkeeping
 170.790 Release from the Requirements
 170.795 Bankruptcy or Other Incapacity of Owner or Operator, or Provider of Financial Assurance

SUBPART D: UNDERGROUND STORAGE TANKS--ADMINISTRATIVE

PROCEDURE RULES FOR ORDERS ISSUED BY THE DIVISION OF PETROLEUM AND CHEMICAL SAFETY

Section
 170.800 Definitions
 170.810 Grounds and Time for Appeal
 170.820 Notice of Hearing
 170.830 Appearances
 170.840 Official Notice
 170.850 Authority of Hearing Officer
 170.860 Evidence to be Presented by the Owner to Object to the Denial or Revocation of the Registration of an Underground Storage Tank (UST)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

(Repealed)
 170.870 Briefs
 170.880 Transcripts
 170.890 Order of the State Fire Marshal
 170.900 Authority to Enforce Administrative Orders and Assess Fines
 170.910 Suspension or Revocation of the License of a Contractor and Assessment of Fines Against a Contractor or Employee of a Contractor for Violations of Subpart B or E
 170.920 Assessment of Fines Against Non-Contractors for Violations of Subpart B
 170.930 Assessment of Fines Against an Owner, Operator or Provider for Violations of Subpart C
 170.940 Hearing Officer Guidelines for Suspension, Revocation or Assessment of Fines

SUBPART E: LICENSING, CERTIFICATION AND IDENTIFICATION CARDS

Section
 170.1000 Definitions
 170.1100 Contractor Licensing
 170.1200 Contractor and Employee Certification
 170.1300 Possession of OSHA Identification Cards by Certified Individual Contractors and Certified Employees of Contractors

APPENDIX A Checklist for Underground Storage Tank Installation
 APPENDIX B Checklist for Underground Storage Tank Reline
 APPENDIX C Checklist for Underground Storage Tank Removal
 APPENDIX D Checklist for Abandonment-in-Place of Underground Storage Tanks
 APPENDIX E Guidelines for Marinas
 APPENDIX F Required Job Schedule for Cathodic Protection Upgrade
 APPENDIX G Required Job Schedule for Underground Piping Upgrade
 APPENDIX H Required Job Schedule for Underground Storage Tank Installation
 APPENDIX I Required Checklist for Underground Storage Tank System Upgrade
 TABLE A Schedule for Phase-in of Release Detection
 TABLE B Manual Tank Gauging: Weekly and Monthly Standards

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency expired June 25, 1983; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; emergency expired November 26, 1984; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency expired June 1, 1986; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; emergency

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

expired November 29, 1986; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill. Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 1, 1995; amended at 20 Ill. Reg. 4698, effective March 11, 1996; amended at 21 Ill. Reg. 8945, effective July 15, 1997; amended at 22 Ill. Reg. 21339, effective December 1, 1998; amended at 24 Ill. Reg. 12462, effective August 1, 2000; amended at 25 Ill. Reg. 9015 effective _____.

SUPPART A: MISCELLANEOUS

Section 170.210 Deliveries from Portable Tanks Restricted

- a) All flammable and combustible liquid motor vehicle fuels must be stored underground at service stations and other locations where fuels are dispensed or delivered into fuel tanks of motor vehicles, except as provided in this Section and 41 Ill. Adm. Code 180. Occasional delivery of less than 6 gallons of fuel for emergencies (e.g., when a car or truck has run out of fuel) is allowed. Emergency deliveries of Class I, II and III liquid motor vehicle fuel shall be from approved containers as defined in Section 170.150(d)(7)(G) and (i).
- b) Dispensing or delivery of flammable or combustible motor vehicle fuels from tank trucks, tank wagons, or other portable tanks is prohibited except as follows for:

- 1) Agricultural use (farm use) as defined in Section 180.20;
 - 2) Construction sites for refueling construction equipment used only at the construction site (this exception does not apply to trucks or passenger cars which have license plates attached and may be driven to service stations);
 - 3) Emergency deliveries; and
 - 4) Airports for fueling of aircraft as defined in 41 Ill. Adm. Code 180.232 and _____.
- 5) As provided in Sections 170.211 and 170.212.

(Source: Amended at 25 Ill. Reg. 9015, effective _____)

Section 170.211 Dispensing or Delivery of Flammable or Combustible Motor Fuels from Tank Vehicles

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Dispensing or delivery of flammable or combustible motor vehicle fuels from tank vehicles is allowed at sites used for the parking, operation, or maintenance of a commercial vehicle fleet under the following conditions:

- a) The site is located in a county with 3,000,000 or more inhabitants, or a county contiguous to a county with 3,000,000 or more inhabitants.

1) The site is not normally accessible to the public and has been approved by the Office of the State Fire Marshal.

2) The vehicles being fueled are part of a fleet of commercial vehicles that are normally parked, operated or maintained at the fueling site.

3) An inspection of the fueling site has been made and approval granted in the form of a permit issued by the Office.

4) Electrical devices and wiring in areas where fuel is dispensed must be in accordance with NFPA 70 National Electrical Code (1999 ed.).

5) Dispensing locations must be at least 50 feet from structures or combustible storage, including structures or storage on adjacent properties.

6) Signs must be posted prohibiting smoking or open flames within 25 feet of the fuel tanker and the point of fueling.

b) The fuel tanker is owned and operated by a company licensed to perform mobile fueling by the Office of the State Fire Marshal.

c) The fuel tanker complies with the requirements of NFPA 385 Standard for Tank Vehicles for Flammable and Combustible Liquids (2000 ed.) and has been approved by the Office.

d) The fuel tanker displays a mobile-fueling sticker issued by the Office of the State Fire Marshal.

e) The dispensing hose does not exceed 50 ft. in length.

f) The dispensing nozzle is a listed automatic-closing type with a latch-open device.

g) Nighttime deliveries shall only be made in adequately lighted areas.

h) The fuel tanker's flasher lights shall be in operation while dispensing.

i) Fuel expansion space shall be left in each fuel tank to prevent overflow in the event of temperature increase.

(Source: Added at 25 Ill. Reg. 9015, effective _____)

Section 170.212 Requirements for Permit to Fuel Motor Vehicles from Portable Tank Trucks and Tank Wagons

- a) The person, company or other entity proposing to deposit fuel into tanks of motor vehicles from tanker trucks or wagons must first have a permit from the Office. A permit will be granted under the following circumstances.

1) The person or other entity must apply for a permit giving the following information:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- A) The name of business, proof of good standing if a corporation, proof of compliance with the Assumed Name Act if applicable and the principal address of the business.
- B) Proof that the vehicles used for the fueling are in compliance with Section 170.211.
- C) Evidence that employees have knowledge of the requirements contained in Section 170.211.
- D) An annual fee of \$500 shall be charged from each person or entity engaging in fueling from portable tank trucks or wagons for the period from January 1 to December 31 of each calendar year.

2) Each vehicle used for fueling must comply with Section 170.211.

- A) Each vehicle shall be inspected and a decal or other evidence issued by the Office permanently attached to the vehicle.
- B) Vehicles without a permit shall not be allowed to engage in such fueling.
- C) If a vehicle is replaced or vehicles added they shall not engage in fueling until an inspection is made to determine compliance and new evidence of compliance for the vehicle issued.
- D) An annual fee of \$100 shall be charged for each vehicle engaged in the fueling. Replacement vehicles shall be charged at the same rate. The evidence of compliance shall be for January 1 through December 31.
- b) Each location where fueling from portable tankers is conducted, shall be inspected by the Office. No fueling from portable tankers shall take place until the location for the fueling is approved by the Office.

1) The owner/lessee or other person who has vehicles to be fueled by portable tanker shall pay the Office an annual fee for each location where the fueling will take place. Fees shall be based upon the following:

Number of vehicles fueled	Annual Fee
1-25	\$100
26-50	\$200
51-100	\$300
101 or more	\$400

- 2) The locations shall be approved if they meet the requirements of Section 170.211.

- 3) The location must be approved annually.

(Source: Added at 25 Ill. Reg. 901503, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Consignment of Licenses, Stamps and Permits
- 2) Code Citation: 17 Ill. Adm. Code 2520
- 3) Section Numbers: 2520.10
2520.50 Adopted Action: Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].
- 5) Effective Date of Amendments: July 3, 2001
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 23, 2001, 25 Ill. Reg. 4109
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes
- Section Numbers Proposed Action Illinois Register Citation
2520.60 Amendment 25 Ill. Reg. 6024, May 11, 2001
- 15) Summary and Purpose of Amendments: This Part is being amended to give non-Department staff running site specific hunts on non-State lands the ability to issue deer and turkey permits to hunters and to update an address.
- 16) Information and questions regarding these adopted amendments shall be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2520

CONSIGNMENT OF LICENSES, STAMPS AND PERMITS

Section

2520.10	Consignment Requirements
2520.20	Issuing Licenses, Stamps and Permits
2520.30	Terms
2520.40	Credit to Vendor Accounts
2520.50	Issuance of Replacement Hunting, Fishing and Trapping Licenses, Stamps and Permits
2520.60	Sale of Licenses by Telephone or Electronic Transmission

AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

SOURCE: Adopted and codified at 7 Ill. Reg. 8760, effective July 15, 1983; amended at 8 Ill. Reg. 5660, effective April 16, 1984; amended at 9 Ill. Reg. 14626, effective September 17, 1985; amended at 11 Ill. Reg. 4633, effective March 10, 1987; amended at 15 Ill. Reg. 7653, effective May 7, 1991; amended at 16 Ill. Reg. 8479, effective May 26, 1992; amended at 18 Ill. Reg. 9991, effective June 21, 1994; amended at 19 Ill. Reg. 7541, effective May 26, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 14417, effective October 25, 1996; amended at 21 Ill. Reg. 6483, effective May 19, 1997; amended at 22 Ill. Reg. 10466, effective June 1, 1998; amended at 23 Ill. Reg. 6818, effective May 20, 1999; amended at 24 Ill. Reg. 1641, effective January 13, 2000; amended at 25 Ill. Reg. 1886, effective

Section 2520.10 Consignment Requirements

- a) The Department of Natural Resources (DNR) has the authority to designate agents to sell licenses, stamps and permits on behalf of the Department. DNR consigns hunting, fishing, trapping and ginseng harvester licenses, migratory waterfowl, salmon and wildlife conservation stamps, and archery permits, hereinafter referred to as licenses, stamps and permits, for sale by county, city, village, township and incorporated town clerks, upon receipt of their completed application and elected official license vendor contract, and fulfillment of requirements set forth in this Part. The Department also consigns the licenses, stamps and permits to other persons,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

hereinafter referred to as "direct agents", upon receipt of their completed application, license vendor contract, evidence of financial responsibility, and fulfillment of the requirements set forth in this Part. The term "direct agent" means all persons authorized by the Department to sell licenses, stamps and permits other than elected or appointed officials and department employees. License vendors, including employees of the Department selling licenses, stamps and permits, shall collect an issuing fee in addition to the license, stamp and permit fee as provided in 515 ILCS 5/20-120 and 520 ILCS 5/3-37 as follows: 75 cents for each Sportsmen's Combination license and non-resident hunting license, and 50 cents for all other licenses, stamps and permits authorized by the above statutes. All licenses, stamps and permits consigned and fees collected from the sale of licenses, stamps and permits (except the authorized issuing fee) remain the property of the State of Illinois. Funds received from the sale of licenses, stamps and permits (except the authorized issuing fee) shall not be directed to any purpose other than remittance to the Department.

b) County, city, village, township and incorporated town clerks may appoint sub-agents within the territorial area for which they are elected or appointed. Elected or appointed officials and Department employees selling licenses, stamps and permits are liable to the State for all licenses, stamps and permits consigned to their account, including any licenses, stamps and permits furnished by a clerk to any sub-agent. Any clerk appointing sub-agents must notify the Department, within 10 days following the appointment, the names and mailing addresses of such sub-agents. No part of the issuing fees collected may be retained as personal compensation by the clerk. Issuing fees may be divided between the clerk and appointed sub-agents other than employees of the Clerk's office, but in no case may any clerk and/or sub-agent charge an issuing fee or fees totaling more than the amounts set out in subsection (a) of this Section. DNR assumes no liability for any license, stamp or permit furnished by any elected or appointed clerk to any sub-agent.

c) All direct agents, including concessionaires holding contracts with the Department shall be required to furnish DNR with evidence of financial responsibility. Such evidence shall be in the form of a surety bond, letter of credit or certificate of deposit, in an amount equal to the value of licenses, stamps and permits consigned with the exception of direct agents with a preferred status. Direct agents must meet the following qualifications to receive a preferred status:

- 1) The direct agent must sell licenses, stamps and permits for one complete license year.
- 2) The Department must have received a minimum of 9 monthly current license year remittances or no sales reports between April and December (inclusive).

If these qualifications are met the direct agent's consignments may total 50% over the amount of their financial evidence. All direct

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

agents with a preferred status will be reviewed annually. If qualifications have been met, the preferred status will continue for the following license year. If the qualifications have not been met, the preferred status is removed and the direct agent will be consigned licenses, stamps and permits equal to the amount of financial evidence. Surety bonds and letters of credit shall be on a form furnished by and approved by DNR, with surety or sureties satisfactory to DNR, conditioned upon such agents paying to the State of Illinois all monies becoming due by reason of the sale of licenses, stamps and permits. No direct agent may appoint sub-agents.

d) Agents, other than Department staff, issuing gun permits for deer and turkey hunting during special hunts on non-Department property, as defined in 17 Ill. Adm. Code 650.22(a) and 17 Ill. Adm. Code 660.22(a), will complete a written financial guarantee and fulfill the requirements set forth in this Part. All permits consigned and fees collected remain the property of the State of Illinois. Funds received from the sale of permits shall not be directed to any purpose other than remittance to the Department. Agents will not be consigned more than 100 permits of a specific type.

(Source: Amended at 25 Ill. Reg. § 624.5, effective 8/1/87)

Section 2520.50 Issuance of Replacement Hunting, Fishing and Trapping Licenses, Stamps and Permits

- a) The Department will issue replacements for lost hunting, fishing, Sportsman's Combination, Ginseng harvester, commercial licenses and permits, trapping licenses, Illinois stamps and archery permits. A fee of \$3.00 per license, stamp or permit will be charged to defray the cost of handling.
- b) The Department will issue replacements at no cost when the Department loses the sportsman's hunting, fishing, Sportsman's Combination, Ginseng Harvester, or trapping licenses, stamps or archery permits.
- c) The procedure for obtaining a replacement license, stamp or permit is as follows:

- 1) Individual loss - The individual requesting the replacement should obtain from the vendor from which the original license, stamp or permit was purchased, a copy (or the original) of the license, stamp or permit application. If the application is unavailable, the individual may obtain "a Replacement License/Stamp/Permit Application" from any license vendor or the Department. "A Replacement License/Stamp/Permit Application" must be notarized to ensure that the application is accurate and non-fraudulent. The copy of the original application, or properly completed and notarized "A Replacement License/Stamp/Permit Application" should then be forwarded with the \$3.00 fee per license, stamp or permit to any of the

DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

following offices:

(Source: Amended at 25 Ill. Reg. effective
 supervisor. 8 8 4 5)

- A) Illinois Department of Natural Resources
P.O. Box 19459
Springfield, IL 62794-9459
- B) Illinois Department of Natural Resources
2317 E. Lincolnway - Suite A 2613-Bocust-Street
Sterling, IL 61081
- C) Illinois Department of Natural Resources
110 James Road
Spring Grove, IL 60081
- D) Illinois Department of Natural Resources
2005 Round Barn Road
Champaign, IL 61821
- E) Illinois Department of Natural Resources
4521 Alton Commerce Parkway
Alton, IL 62002
- F) Illinois Department of Natural Resources
11731 State Highway 37
Benton, IL 62812
- G) Illinois Department of Natural Resources
100 West Randolph
Suite 4 - Room 300
Chicago, IL 60601

- 2) Department loss - The Department location requesting the replacement should complete on agency letterhead a request for a replacement and forward the request to: Department of Natural Resources, Replacements, 524 S. Second Street, Springfield, IL 62701. The request should be completed in triplicate with one copy retained at the location and one copy given to the person whose license, stamp or permit was lost. This copy of the request will allow the person to hunt or fish in the interim between receiving a replacement. Information contained in the replacement request letter must include:

- A) date of the letter;
- B) indication that the letter may be used by the person in lieu of a license, stamp or permit for up to 30 days from the date on the letter;
- C) Department location requesting the replacement (including address and contact phone number);
- D) the name, complete mailing address, county of residence, date of birth, height, weight, hair color, eye color and daytime phone number of the person receiving the replacement;
- E) indication of what licenses, stamps or permits need to be replaced;
- F) the printed or typed names and signatures and the date of signature of the authorized persons at the Department location issuing the replacement letter and the location

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Fox Chain O'Lakes Aquatic Plant Management

2) Code Citation: 17 Ill. Adm. Code 895

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
895.10	New Section
895.20	New Section
895.30	New Section
895.40	New Section
895.50	New Section
895.60	New Section
895.70	New Section
895.80	New Section

4) Statutory Authority: Implementing and authorized by Section 7 of the Rivers, Lakes, and Streams Act [615 ILCS 5/7], and by Sections 1-15, 1-20, 1-150, 5-5 and 20-35 of the Fish and Aquatic Life Code [515 ILCS 5/1-15, 1-20, 1-150, 5-5 and 20-35].

5) Effective Date of Rules: July 3, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 16, 2001, 25 Ill. Reg. 3792

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Section 895.10 - changed "EPA" to "USEPA"

Section 895.40 - after the period, added "The application shall contain:"

Section 895.40(a) - changed "The application shall be accompanied by one" to "One"

Section 895.40(g) - changed "The applicant shall certify" to "A certification"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

13) Will this rulemaking replace any emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The public and contractors have been chemically treating waters of Fox Chain O'Lakes without proper authorization. This Part provides a mechanism and guidelines for the proper application of herbicides to the Fox Chain O'Lakes.

16) Information and questions regarding these adopted rules:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 895
FOX CHAIN O' LAKES AQUATIC PLANT MANAGEMENT

Section	Summary and Purpose
895.10	Applicability
895.20	Definitions
895.30	Application for Letter of Permission
895.40	Issuance of Letter of Permission
895.50	Supervision
895.60	Conditions of Letter of Permission
895.70	Exemptions
895.80	

AUTHORITY: Implementing and authorized by Section 7 of the Rivers, Lakes, and Streams Act [615 ILCS 5/7], and by Sections 1-15, 1-20, 1-150, 5-5 and 20-35 of the Fish and Aquatic Life Code [515 ILCS 5/1-15, 1-20, 1-150, 5-5 and 20-35].

SOURCE: Adopted at 25 Ill. Reg. 9031, effective _____.

Section 895.10 Summary and Purpose

This Part is established to implement the management of aquatic plants within the Fox Chain O' Lakes (FCOL) public waters. The intent is to minimize the risks that citizens utilizing the public waters may be unwittingly exposed to aquatic herbicides and that threatened or endangered species of plants and animals may be harmed or destroyed, a balanced aquatic plant community being recognized to be a vital and necessary component of a healthy aquatic ecosystem. The Department may allow the management of nuisance-causing aquatic plants with chemicals registered and labeled for aquatic use by the United States Environmental Protection Agency (USEPA). Other non-chemical methods, determined to be effective by the Department, may also be authorized.

Section 895.20 Applicability

Any person sponsoring or conducting chemical or non-chemical treatment for the management of aquatic plants in the FCOL public waters shall obtain a Letter of Permission (LOP) from the Department.

Section 895.30 Definitions

"Applicant" - The person, company, or organization that proposes to apply aquatic herbicides or non-chemical treatments to the FCOL public waters.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

"Client" - The person who contracts with the pest control operator for the described aquatic plant management treatment.

"Chemicals" - All USEPA approved and registered aquatic herbicides.

"Chemical treatment" - The single, one-time use of a USEPA approved and registered aquatic herbicide to destroy or limit the growth of aquatic plants.

"Department" - The Illinois Department of Natural Resources.

"FCOL public waters" - Channel Lake, Lake Catherine, Lake Marie, Bluff Lake, Spring Lake, Petite Lake, Grass Lake, Fox Lake, Dunn's Lake, Nippersink Lake, Pistakee Lake, Redhead Lake, Lake Mathews, Lake Jerilyn, Lac Louette (Mud Lake) and all navigable channels directly connected to these lakes that are under the jurisdiction of the Fox Waterway Agency.

"Fox Waterway Agency" - A special unit of local government created by State of Illinois statute in September 1983 and approved by referendum in November 1984 by a majority of voters residing within the agency's voting district of Lake and McHenry Counties.

"Letter of Permission" - Document drafted by the Department that specifies the location, date, and method of treatment.

"Navigable channel" - All natural and manmade channels/ponds that are connected to the public waters and are under the jurisdiction of the Fox Waterway Agency.

"Non-chemical treatment" - Utilization of plant screens, sediment covers, bottom barriers, blanketing materials that are gas-permeable, or mechanical cutting or removal to destroy or limit the growth of aquatic plants. A non-chemical treatment may consist of a series of actions in the case of mechanical cutting or removal of aquatic plants.

"Non-target organisms" - Any plant, other than nuisance-causing aquatic plants specified on the application, or animal species within the treatment area or adjacent areas that may be adversely affected by the chemical or non-chemical treatment.

"Sensitive area" - Areas of aquatic vegetation identified by the Department as offering critical or unique fish and wildlife habitat, including seasonal or life stage requirements, or offering water quality or erosion control benefits to the body of water. This also includes areas included by the Department on the Illinois Natural Areas Inventory, or registered or dedicated pursuant to the Illinois

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Natural Areas Preservation Act [525 ILCS 30].

Section 895.40 Application for Letter of Permission

An application for a LOP is a form provided by the Department. The completed application shall be submitted to the Division of Fisheries, Springfield IL. Any amendment or revision to an application shall be treated by the Department as a new application. The application shall contain:

- a) One copy of a detailed map or sketch of the body of water with the proposed treatment area dimensions clearly shown and with pertinent information necessary to locate those properties, by name of owner, riparian to the treatment area, which may include street address, fire number where available and local telephone number;
- b) A description of the uses being impaired by plants and reason for treatment;
- c) A description of the plant community within the area to be treated that includes approximate percentage of abundance by species;
- d) The product names of chemicals proposed for use, the method of application, and proposed date of treatment;
- e) The name of the person or commercial applicator and applicator certification number of the person conducting the treatment;
- f) A description of the non-chemical treatment, including type of material, product name if applicable, and proposed date of treatment;
- g) A certification to the Department that a copy of the application has been provided to any affected property owners' association and to any riparian property owners adjacent to and within the treatment area;
- h) A statement of alternative control methods considered for use on the proposed treatment site and their feasibility.

Section 895.50 Issuance of Letter of Permission

- a) The Department shall issue or deny issuance of the requested LOP within 45 days after receipt of a complete application.
- b) The LOP shall be issued for a non-chemical method or the single, one-time, use of a USEPA approved and registered aquatic herbicide to remove, destroy or limit the growth of aquatic plants. Exception: In instances where a chemical treatment is proposed to be at reduced application rates with a not-to-exceed dosage limit, over multiple applications, this will be viewed as a one-time application.
- c) New applications for a LOP will be reviewed with consideration given to the cumulative effect of applications already approved for the body of water.
- d) The Department may deny issuance of the requested LOP if:
 - 1) The proposed chemical is not labeled and registered for the intended use by the USEPA;
 - 2) The Fox Waterway Agency recommends to the Department that a LOP not be granted;
 - 3) The Department determines the proposed treatment will result in a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 4) The Department determines that the proposed treatment will result in a significant adverse effect on the body of water or will place unreasonable restrictions on existing water uses;
- 5) The proposed treatment is for waters beyond 75 feet from the shore except where approval is given by the Department to maintain navigation channels, piers or other facilities used by organizations or the public, including commercial facilities;
- 6) The Department determines that the proposed treatment will significantly injure non-target organisms within the treatment area or adjacent areas either directly or through habitat destruction;
- 7) The proposed treatment is in a location known to have endangered or threatened species as determined by the Department; or
- 8) The proposed chemical application is in a location identified by the Department as a sensitive area, except when the applicant demonstrates to the satisfaction of the Department that treatments can be conducted in a manner that will not alter the ecological character or reduce the ecological value of the area.

Section 895.60 Supervision

Supervision by a Department representative may be required for any chemical treatment. Supervision may include inspection of the proposed treatment area, chemicals and application equipment before, during, and after treatment. The inspection may result in the determination that treatment is unnecessary or unwarranted in all or part of the proposed area, or that another chemical or non-chemical method of treatment may be more appropriate.

Section 895.70 Conditions of Letter of Permission

- a) The Department may stop or limit the application of chemicals or non-chemical treatments to a body of water if at any time it determines that the treatment will be ineffective, will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on non-targeted organisms for any of the reasons set forth in Section 895.50.
- b) Chemical treatments shall be performed in accordance with label directions, existing pesticide use laws, and LOP conditions.
- c) Chemical treatment shall be performed by an applicator currently certified by the Illinois Department of Agriculture in the aquatic category.
- d) The LOP holder will be responsible for posting those areas treated in accordance with water/fishing use restrictions stated on the chemical label. Signs shall be posted at the beginning of each treatment by the LOP holder to remain up for the period of time stated on the chemical label for water use restrictions. Posting of signs shall be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

in brilliant yellow background with black lettering, and conspicuous to the non-riparian public intending to use the treated water from both the water and shore, and shall state applicable label use restrictions of the chemical being used, the name of the chemical and the date of treatment.

- e) The LOP applicant will be responsible for obtaining a permit from Illinois EPA in adherence with 35 Ill. Adm. Code 652.601, where applicable.
- f) Failure to comply with the conditions of the LOP may result in loss of privileges for subsequent chemical and non-chemical treatments for aquatic plants in the Illinois public waters of FCOL in addition to any other remedies set out by law.

Section 895.80 Exemptions

An individual property owner who has title to a portion of the FCOL lake bottom and wishes to initiate an aquatic plant management treatment of 0.25 acre or less of the titled lake bottom need not apply for a LOP from the Department. The individual, however, is not exempt from any other applicable laws and/or ordinances.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Lake Michigan Aquatic Plant Management

- 2) Code Citation: 17 Ill. Adm. Code 897

- 3) Section Numbers:

897.10	Adopted Action:
897.20	New Section
897.30	New Section
897.40	New Section
897.50	New Section
897.60	New Section
897.70	New Section

- 4) Statutory Authority: Implementing and authorized by Section 4.9 of the Rivers, Lakes, and Streams Act [615 ILCS 5/4.9] and by Sections 1-15, 1-20, 1-150, 5-5 and 20-35 of the Fish and Aquatic Life Code [515 ILCS 5/1-15, 1-20, 1-150, 5-5 and 20-35].

- 5) Effective Date of Rules: July 3, 2001

- 6) Do these rules contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: March 16, 2001, 25 Ill. Reg. 3799

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

Section 897.10 - changed "EPA" to "USEPA"

Section 897.40 - after the period, added "The application shall contain:"

Section 897.40(a) - changed "The application shall be accompanied by one" to "One"

Section 897.40(g) - changed "The applicant shall certify" to "A certification"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 13) Will these rules replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The public and contractors have been chemically treating waters of Lake Michigan without proper authorization. This Part provides a mechanism and guidelines for the proper application of herbicides to Lake Michigan.

- 16) Information and questions regarding these adopted rules shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 897
LAKE MICHIGAN AQUATIC PLANT MANAGEMENT

Section

897.10	Summary and Purpose
897.20	Applicability
897.30	Definitions
897.40	Application for Letter of Permission
897.50	Issuance of Letter of Permission
897.60	Supervision
897.70	Conditions of Letter of Permission

AUTHORITY: Implementing and authorized by Section 4.9 of the Rivers, Lakes, and Streams Act [615 ILCS 5/4.9] and by Sections 1-15, 1-20, 1-150, 5-5 and 20-35 of the Fish and Aquatic Life Code [515 ILCS 5/1-15, 1-20, 1-150, 5-5 and 20-35].

SOURCE: Adopted at 25 Ill. Reg. 897.10, effective _____.

Section 897.10 Summary and Purpose

This Part is established to implement the management of aquatic plants within the Lake Michigan public waters. The intent is to minimize the risks that citizens utilizing the public waters may be unwittingly exposed to aquatic herbicides and that threatened or endangered species of plants and animals may be harmed or destroyed, a balanced aquatic plant community being recognized to be a vital and necessary component of a healthy aquatic ecosystem. The Department may allow the management of nuisance-causing aquatic plants with chemicals registered and labeled for aquatic use by the United States Environmental Protection Agency (USEPA). Other non-chemical methods, determined to be effective by the Department, may also be authorized.

Section 897.20 Applicability

Any person sponsoring or conducting chemical or non-chemical treatment to remove, destroy, or limit the growth of aquatic plants in the Illinois public waters of Lake Michigan shall obtain a Letter of Permission (LOP) from the Department.

Section 897.30 Definitions

"Applicant" - The person, company, or organization that proposes to apply aquatic herbicides or non-chemical treatments to the Lake

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Michigan public waters.

"Chemicals" - All USEPA approved and registered aquatic herbicides.

"Chemical treatment" - The single, one-time use of a USEPA approved and registered aquatic herbicide to destroy or limit the growth of aquatic plants.

"Client" - The person who contracts with the pest control operator for the described aquatic plant management treatment.

"Department" - The Illinois Department of Natural Resources.

"Illinois public waters of Lake Michigan" - All the open waters of Lake Michigan from the Wisconsin state line south to the Indiana state line and from the Michigan state line west to the Illinois shore, all harbors of the body of water that are or were navigable and are open or dedicated to public use, and the navigation channels connecting these harbors to Lake Michigan

"Letter of Permission" - Document drafted by the Department that specifies the location, date, and method of treatment.

"Non-chemical treatment" - Utilization of plant screens, sediment covers, bottom barriers, blanketing materials that are gas-permeable, or mechanical cutting or removal to destroy or limit the growth of aquatic plants. A non-chemical treatment may consist of a series of actions in the case of mechanical cutting or removal of aquatic plants.

"Non-target organisms" - Any plant, other than nuisance-causing aquatic plants specified on the application, or animal species within the treatment area or adjacent areas that may be adversely affected by the chemical or non-chemical treatment.

"Sensitive area" - Areas of aquatic vegetation identified by the Department as offering critical or unique fish and wildlife habitat, including seasonal or life stage requirements, or offering water quality or erosion control benefits to the body of water. This also includes areas included by the Department on the Illinois Natural Areas Inventory, or registered or dedicated pursuant to the Illinois Natural Areas Preservation Act [525 ILCS 30].

Section 897.40 Application for Letter of Permission

An application for a LOP (form IL-LM01) may be obtained by contacting the Division of Fisheries' Lake Michigan Program (847)294-4134. The completed application shall be submitted to the Division of Fisheries' Lake Michigan

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Program, 9511 Harrison Street, Des Plaines IL 60016. Any amendment or revision to a submitted application shall be treated by the Department as a new application. The application shall contain:

- a) One copy of a detailed map or sketch of the body of water with the proposed treatment area dimensions clearly shown and with pertinent information necessary to locate those properties, by name of owner, riparian to the treatment area, which may include street address, fire number where available and local telephone number;
- b) A description of the uses being impaired by plants and reason for treatment;
- c) A description of the plant community within the area to be treated that includes approximate percentage of abundance by species;
- d) The product names of chemicals proposed for use, the method of application, and proposed date of treatment;
- e) The name of the person or commercial applicator and applicator certification number of the person conducting the treatment;
- f) A description of the non-chemical treatment, including type of material, product name if applicable, and proposed date of treatment;
- g) A certification to the Department that a copy of the application has been provided to any affected property owners' association and to any riparian property owners adjacent to and within the treatment area; and
- h) A statement of alternative control methods considered for use on the proposed treatment site and their feasibility.

Section 897.50 Issuance of Letter of Permission

- a) The Department shall issue or deny issuance of the requested LOP within 45 days after receipt of a complete application.
- b) The LOP shall be issued for a non-chemical method or the single, one-time, use of a USEPA approved and registered aquatic herbicide to remove, destroy or limit the growth of aquatic plants. Exception: In instances where a chemical treatment is proposed to be at reduced application rates with a not-to-exceed dosage limit, over multiple applications, this will be viewed as a one-time application.
- c) New applications for a LOP will be reviewed with consideration given to the cumulative effect of applications already approved for the body of water.
- d) The Department may deny issuance of the requested LOP if:
 - 1) The proposed chemical is not labeled and registered for the intended use by the USEPA;
 - 2) The Department determines that the proposed treatment will result in a hazard to humans, animals, or other non-targeted organisms, or will not provide nuisance relief;
 - 3) The Department determines that the proposed treatment will result in a significant adverse effect on the body of water or will place unreasonable restrictions on existing water uses;
 - 4) The Department determines that the proposed treatment will

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

significantly injure non-target organisms within the treatment area or adjacent areas, either directly or through habitat destruction;

- 5) The proposed treatment is in a location known to have endangered or threatened species as determined by the Department; or
- 6) The proposed treatment is in a location identified by the Department as a sensitive area, except when the applicant demonstrates to the satisfaction of the Department that the treatment can be conducted in a manner that will not alter the ecological character or reduce the ecological value of the area.

Section 897.60 Supervision

Supervision by a Department representative may be required for any chemical treatment. Supervision may include inspection of the proposed treatment area, chemicals and application equipment before, during, and after treatment. The inspection may result in the determination that treatment is unnecessary or unwarranted in all or part of the proposed area, or that another chemical or non-chemical method of treatment may be more appropriate.

Section 897.70 Conditions of Letter of Permission

- a) The Department may stop or limit the application of chemicals or non-chemical treatments to a body of water if at any time it determines that the treatment will be ineffective, will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on non-targeted organisms for any of the reasons set forth in Section 897.50.
- b) Chemical treatment shall be performed in accordance with chemical label directions, existing pesticide use laws, and the LOP conditions.
- c) Chemical treatment shall be performed by a licensed pesticide applicator currently certified in the aquatic category by the Illinois Department of Agriculture.
- d) The LOP applicant will be responsible for posting treatment areas in accordance with water/fishing use restrictions listed on the chemical label. Signs shall be posted at the beginning of chemical treatment and remain posted for the period of time listed in the use restriction portion of the chemical label. Posted signs shall be brilliant yellow with black lettering, conspicuous to persons intending to use the treated area from both water and shore, and shall state the name of the chemical, date of treatment, and water use restrictions listed on the chemical label.
- e) The LOP applicant will be responsible for obtaining a permit from Illinois EPA in adherence with 35 Ill. Adm. Code 652.601, where applicable.
- f) Failure to comply with the conditions of the LOP may result in loss of privileges for subsequent chemical and non-chemical treatments for aquatic plants in the Illinois public waters of Lake Michigan, in

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

addition to any other remedies set out by law.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

3) Section Numbers: Adopted Action:

240.10	Amend
240.140	Amend
240.160	Amend
240.185	Amend
240.186	New
240.190	Amend
240.195	Amend
240.251	Amend
240.610	Amend
240.630	Amend
240.710	Amend
240.760	Amend
240.780	Amend
240.810	Amend
240.870	Amend
240.875	Amend
240.880	Amend
240.890	Amend
240.891	Amend
240.895	Amend
240.940	Amend
240.945	New
240.1115	New
240.1130	Amend
240.1131	Repeal
240.1132	New
240.1440	Amend
240.1600	Amend
240.1610	Amend
240.1625	Amend
240.1630	Amend
240.1640	Amend

4) Statutory Authority: Implementing and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" [225 ILCS 725/6 and 8a].

5) Effective Date of Amendments: July 9, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 9, 2001, 25 Ill. Reg. 3355

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: Throughout this rulemaking, "fresh water" has been corrected to "freshwater".

In the Table of Contents, "(Repealed)" has been added after "Section 240.170 Cessation Order"; "Drilled After the Effective Date of this Section" has been stricken at the end of "Section 240.710; in Sections 240.890 and 895, "Clean-Up" has been stricken and replaced with "Remediation".

In the Authority Note, "Sections 6 and 8a of" has been stricken.

In Section 240.110, in the definition of "Cement", "these rules" has been stricken and replaced with "this Part"; in the definition of "Class II UIC well", a comma has been placed after the words "gas production" and "production operations"; in the definition of "General Oilfield Waste", "now or hereafter non-exempt" has been stricken and replaced with "not exempt"; in the definition of "Permit", the word "allowing" has been moved to after "authorization" and "to operate" has been changed to "operation of"; in the definition of "Reservoir", "these rules" has been stricken and replaced with "this Part"; and in the definition of "Well", "other" has been added between "any" and "well".

In Section 240.140, in subsection (a) the third line, "this" has been stricken and replaced with "the" and "the rules adopted hereunder" has been stricken and replaced with "this Part".

In Section 240.160, subsection (c)(1)(A), (B), (C), (D) and (E) and (c)(2)(A)(i)-(iii), "add" has been stricken/deleted; subsection (c)(2)(B), "ground water" has been changed to "groundwater"; in subsection (c)(3), a common has been added after the word "from" and "Fund" has been stricken and "clean-up" has been deleted and replaced with "remediate"; throughout this Section, "Decision" has been stricken and replaced with "decision".

In Section 240.185, subsection (d), "scheduled hearing date" has been deleted and replaced with "date for a hearing" and a comma has been added after the word "Illinois" and "shall be" has been deleted.

In Section 240.186, subsection (b), the word "operations" before "[225 ILCS 725/19.1]" has been deleted and changed to "the condition or practice"; subsection (d), after the words "hearing shall be conducted",

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"in accordance with Article 10 of the Illinois Administrative Procedure Act" has been added; in subsection (f), the first sentence has been italicized and "[225 ILCS 725/8(a)]" has been added.

In Section 240.195(a), "the Department's rules" has been stricken and replaced with "this Part".

In Section 240.251(c)(1)(A)(v), the word "thereof" has been stricken.

In Section 240.610, subsection (a)(1), after the word "standards", "(Fiberglass Casing and Tubing; 15AR, May 1987, published by the American Petroleum Institute, 1220 L Street NW, Washington D.C. 2005-4070; no later editions or amendments included)" has been added; subsection (a)(2), the words "records" have been moved to after "casing"; and "Permittee" has been changed to "permittee"; subsection (b)(3)(A), "shall be" has been added after "production casing" and "together with the required cement on the bottom of the production casing as specified in subsection (b)" has been stricken; subsection (b)(3)(B), "together with the required cement on the bottom of the production casing as specified in subsection" has been stricken and "(d)" has been deleted; subsection (b)(4), "Wells" has been changed to "For Wells" and a semi-colon has been added after "field", "A" has been added before "at least"; "shall set and cement" has been deleted and "and cement shall be set" has been added after the word "casing"; a semi-colon has been added after the word "zone" and "B" has been added before "a cement basket" and "shall be" has been added after "basket", "casing" and "string"; subsection (d), "Existing" has been stricken and "Drilled Prior to May 13, 1994" has been added in its place; subsection (d)(1)(A), "(b) above" has been stricken and replaced with "(c); subsection (d)(1)(B), a period has been added after the word "surface" and "in accordance with subsection (a)(5) above." has been stricken.

In Section 240.710, subsection (a)(2), the words "records" has been moved to after the words "casing"; subsection (b)(3)(A) and (B), "together with the required cement on the bottom of the production casing as specified in subsection (b)" has been stricken; subsection (b)(3)(B), the word "materials" has been stricken and replaced with "material"; a semi-colon has been added after "field", "A" has been added before "at least"; "shall set and cement" has been deleted and "and cement shall be set" has been added after the word "casing"; a semi-colon has been added after the word "zone" and "B" has been added before "a cement basket" and "shall be" has been added after "basket", "casing" and "string".

In Section 240.760, "Internal Mechanical Integrity" has been stricken and replaced with "internal mechanical integrity"; subsection (c), the words "alternate" has been stricken and replaced with "alternative"; subsection (f), "shall" has been stricken and replaced with "were required to" and the words "are" have been stricken and replaced with "were".

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

In Section 240.780, subsection (b)(1), "after the effective date of this Section" has been stricken; and subsection (e)(4), the word "and" has been added before the word "maximum".

In Section 240.810, subsection (a)(1) and (b)(5), "January" has been changed to "July"; subsection (a)(2), "the effective date of this rulemaking" has been changed to "July 1, 2001"; subsection (c)(1), "average" has been added before "ground" and "surrounding the outside of the containment dike" has been added at the end of the sentence.

In Section 240.880, subsections (b)(6) and (d), "clean-up" has been stricken and replaced with "remediation".

In Section 240.890, the section heading, "Clean-Up" has been stricken and replaced with "Remediation"; subsection (f), "remedial clean-up" and subsection (g), "clean-up" have been stricken and replaced with "remediation".

In Section 240.891, subsection (a)(3), "subsections" and "(A) through (D) above" has been stricken and replaced with "subsection"; subsection (a)(4), "utilizing a Department accepted methodology" has been deleted; subsection (b)(2)(C), "the provisions of" has been stricken; subsection (c)(3), "Illinois" and "of Natural Resources" have been stricken; subsection (c)(4), "or fire protection district" has been added after the word "department" and ", if the burn is near a town or city" has been stricken.

In Section 240.895, the section heading, "Clean-Up" has been stricken and replaced with "Remediation"; subsection (c), "The affected area shall be" has been added at the beginning of the sentence; subsection (d), "remedial" has been stricken and replaced with "remediation" and "clean-up" has been deleted; and "at a minimum" has been deleted.

In Section 240.1132, subsection (e), the word "containing" has been changed to "continuing".

In Section 240.1600, the definition of "Emergency Clean-Up project", the word "Clean-Up" has been stricken and replaced with "Remediation"; in the definitions of "Emergency Repair Work" and "Emergency Well Plugging", the comma after the words "surface waters" has been stricken and replaced by "or".

In Section 240.1630(b) and (c), the word "clean-up" has been stricken and replaced with "remediation".

In Section 240.1640(a), "clean-up" has been stricken and replaced with "remediation"; and subsection (d), "clean-up work" has been deleted and replaced with "remediation".

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 240.10 clarifies the definition of "well" to include all types of wells covered by the Act.
- Section 240.140 clarifies the length of time for an operator to comply with a notice of non-compliance to take into account weather conditions. This proposed rule also reflects reference changes to other sections of these rules.
- Section 240.160 changes the method of calculation and amounts of civil penalties to allow for increased enforcement of certain types of environmental violations.
- Section 240.185 clarifies this rule to define oil production activity as the activity impacted by the cessation order. This amendment also revises the cessation order procedures to better track the cessation order provisions in the Act.
- Section 240.186 adds a new section to clarify the two types of cessation orders in the Act: Cessation of oil production activities as specified in 240.185 and cessation of activities which are endangering the environment as outlined in this section.
- Section 240.190 establishes a time frame for length of temporary relief from cessation order.
- Section 240.195 allows for pre-payment of witness fees utilizing a state voucher.
- Section 240.251 clarifies results of permit revocation procedures.
- Section 240.610 allows for staff flexibility in witnessing the setting of surface casing in an oil production well.
- Section 240.630 clarifies the requirements to operate well(s) in accordance with permit conditions.
- Section 240.710 allows for staff flexibility in witnessing the setting of surface casing in a Class II Injection well.
- Section 240.760 clarifies mechanical integrity testing requirements to

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- include well workovers and clarify testing schedules for untested wells.
- Section 240.780 clarifies the reporting frequency of injection on well status report.
- Section 240.810 establishes additional requirements for operation and construction of tank batteries.
- Section 240.870 clarifies the party responsible for plugging leaking unpermitted drill holes.
- Section 240.875 clarifies the party responsible for plugging leaking previously plugged wells.
- Section 240.880 changes the reference to a revised section.
- Section 240.890 requires submission by the oil operator of a report outlining the extent and cleanup activities undertaken for crude oil spills.
- Section 240.891 clarifies spill remediation requirements in accordance with MOU with IDNR and IEPA regarding crude oil and brine spills.
- Section 240.895 requires submission by the oil operator of a report outlining the extent and cleanup activities undertaken for saltwater spills.
- Section 240.940 clarifies disposal options for crude oil bottom sediments and transfers lease road oiling provisions to a new section 240.945.
- Section 240.945 is a new section for lease road oiling requirements previously contained in 240.940.
- Section 240.1115 is a new section that specifies the party responsible to plug oil and gas production, Class II injection and gas storage wells.
- Section 240.1130 clarifies conditions under which oil and gas wells qualify for temporary abandonment status.
- Section 240.1131 is being repealed because the provisions in this section are contained in other sections of the Act.
- Section 240.1132 is a new section that specifies when an inactive Class II UIC Injection well shall be plugged.
- Section 240.1440 clarifies the reference to a previously amended section.
- Section 240.1600 expands the definition of well abandonment in accordance

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

with the Act and other sections of the rules.

Section 240.1610 clarifies oil operators right to counsel during department hearings.

Section 240.1625 clarifies the types of abandoned facilities permitted to be cleaned up through the landowner Grant Program.

Section 240.1630 clarifies the party responsible for department cost recovery following emergency plugging or repair work at production facilities.

Section 240.1640 clarifies the party responsible and specific conditions under which the Department will seek cost recovery for emergency clean up projects undertaken by the Department.

16) Information and questions regarding these adopted amendments shall be directed to:

Lawrence E. Bengal
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 240

THE ILLINOIS OIL AND GAS
ACT

SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings--Notices (Repealed)
240.131	Unitization Hearings
240.132	Integration Hearings
240.133	Hearings to Establish Pool-Wide Drilling Units
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.155	Civil Complaint
240.160	Director's Decision
240.170	Cessation Order (Repealed)
240.180	Enforcement Hearings and Enforcement Cessation Orders
240.185	Cessation of Oil Production Operations
240.186	Cessation of Conditions Creating an Imminent Danger to Public Health and Safety and the Environment
240.190	Temporary Relief Hearings
240.195	Subpoenas

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section	
240.200	Applicability
240.210	Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Contents of Application
240.230	Authority of Person Signing Application
240.240	Additional Requirements for Directional Drilling
240.245	Additional Requirements for Horizontal Drilling

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

240.250	Issuance of Permit to Drill or Operate
240.251	Revocation of Permit to Drill
240.255	Conversion of a Production Well to a Water Well
240.260	Change of Well Location
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.280	Duration of Underground Injection Well Orders (Repealed)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section	
240.300	Applicability
240.305	Transfer of Management (Recodified)
240.310	Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well
240.311	Application for Freshwater Aquifer Exemption
240.312	Freshwater Aquifer Exemptions
240.320	Contents of Application
240.330	Authority of Person Signing Application
240.340	Proposed Well Construction and Operating Parameters
240.350	Groundwater and Potable Water Supply Information
240.360	Area of Review
240.370	Public Notice
240.380	Issuance of Permit
240.385	Conversion of a Class II Well to a Water Well
240.390	Permit Amendments
240.395	Update of Class II UIC Well Permits Issued Prior to July 1, 1987

SUBPART D: SPACING OF WELLS

Section	
240.400	Definitions
240.410	Drilling Units
240.420	Well Location Exceptions within Drilling Unit
240.430	Drilling Unit Exceptions
240.440	More Than One Well on a Drilling Unit
240.450	Directional Drilling
240.455	Horizontal Drilling
240.460	Modified Drilling Unit
240.465	Special Drilling Unit
240.470	Establishment of Pool-Wide Drilling Units Based Upon Reservoir Characteristics

SUBPART E: WELL DRILLING,
COMPLETION AND WORKOVER REQUIREMENTS

Section	
240.500	Definitions

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

240.510	Department Permit Posted
240.520	Drilling Fluid Handling and Storage
240.525	Saltwater or Oil Based Drilling Fluid Handling and Storage
240.530	Completion Fluid and Completion Fluid Waste Handling and Storage
240.540	Drilling and Completion Pit Restoration
240.550	Disposal of General Oilfield Wastes and Other Wastes

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING
REQUIREMENTS FOR PRODUCTION WELLS

Section	
240.600	Applicability
240.605	Drilled Out Plugged Hole (DOPH) Notification
240.610	Construction Requirements for Production Wells
240.620	Remedial Cementing of Leaking Wells
240.630	Operating Requirements
240.640	Reporting Requirements
240.650	Confidentiality of Well Data
240.655	Mechanical Integrity Testing for Class II Injection Wells (Repealed)
240.660	Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)
240.670	Avoidable Waste of Gas (Repealed)
240.680	Escape of Unburned Gas Prohibited (Repealed)

SUBPART G: WELL CONSTRUCTION, OPERATING
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section	
240.700	Applicability and Definitions
240.710	Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells Brilled-After-the-Bffective-Date-of-this-Section
240.720	Surface and Production Casing Requirements for Conversion to Class II UIC Wells
240.730	Surface and Production Casing Requirements for Existing Class II UIC Wells
240.740	Other Construction Requirements for Class II UIC Wells
240.750	Operating Requirements for Class II UIC Wells
240.760	Establishment of Internal Mechanical Integrity for Class II UIC Wells
240.770	Establishment of External Mechanical Integrity for Class II UIC Wells
240.780	Reporting Requirements for Class II UIC Wells
240.790	Confidentiality of Well Data
240.795	Commercial Saltwater Disposal Well

SUBPART H: LEASE OPERATING REQUIREMENTS

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

240.800	Definitions
240.805	Lease and Well Identification
240.810	Tanks, Tank Batteries and Containment Dikes
240.820	Flowlines
240.830	Power Lines
240.840	Equipment Storage
240.850	Concrete Storage Structures
240.860	Pits
240.861	Existing Pit Exemption For Continued Production Use
240.862	Existing Pit Exemption For Alternative Use
240.870	Leaking Unpermitted Drill Hole
240.875	Leaking Previously Plugged Permitted Well
240.880	Initial Spill Notification
240.890	Crude Oil Spill Remediation Clean-Up Requirements
240.891	Crude Oil Spill Waste Disposal and Remediation
240.895	Produced Water Spill Remediation Clean-Up Requirements

SUBPART I: LIQUID OILFIELD WASTE HANDLING AND DISPOSAL AND SPILL RELATED WASTE

Section	
240.900	Definitions
240.905	Application for Permit to Operate a Liquid Oilfield Waste Transportation System
240.906	Application for a Liquid Oilfield Waste Transportation Vehicle Permit
240.910	Inspection of Vehicles (Tanks)
240.920	Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits
240.925	Liquid Oilfield Waste Recordkeeping Requirements
240.926	Liquid Oilfield Waste Transportation System and Vehicle Operating Requirements
240.930	Produced Water
240.940	Crude Oil Bottom Sediments
240.945	Lease Road Oiling
240.950	Crude Oil Spill Waste Disposal (Repealed)
240.960	Oil Field Brine Hauling Permit Conditions (Repealed)
240.970	Inspection of Vehicles (Repealed)
240.980	Transfer of Permits (Repealed)
240.985	Revocation of Oil Field Brine Hauling Permit (Repealed)
240.990	Records and Reporting Requirements (Repealed)
240.995	Bonds--Blanket Surety Bond (Repealed)

SUBPART J: VACUUM

Section	
240.1000	Definitions
240.1005	Applicability

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

240.1010	Application for Vacuum Permit
240.1020	Contents of Application
240.1030	Authority of Person Signing Application
240.1040	Notice and Hearing
240.1050	Issuance of Permit
240.1060	Permit Amendments

SUBPART K: PLUGGING OF WELLS

Section	
240.1105	Plugging of Non-Productive Wells (Repealed)
240.1110	Definitions
240.1115	Plugging Responsibility
240.1120	Plugging of Uncased Wells
240.1130	Plugging and Temporary Abandonment of Inactive Production Wells and Certain-Class-ii-Use-Wells
240.1131	Extension of Future Use Status for Production Wells (Repealed)
210.1132	Plugging and Temporary Abandonment of Inactive Class II UTC Wells
240.1140	General Plugging Procedures and Requirements
240.1150	Specific Plugging Procedures
240.1151	Procedures for Plugging Coal Seams
240.1160	Plugging Fluid Handling and Storage
240.1170	Plugging Fluid Waste Disposal and Well Site Restoration
240.1180	Lease Restoration
240.1181	Lease Restoration Requirements
240.1190	Filing Plugging Report

SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

Section	
240.1200	Applicability
240.1205	Application for Permit to Drill a Test Well or Drill Hole
240.1210	Contents of Application for Permit to Drill or Convert to an Observation, Gas Storage Well or Service Well (Repealed)
240.1220	Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well
240.1230	Authority of Person Signing Application
240.1240	Issuance of Permit
240.1250	When Wells Shall Be Plugged and Department Notification
240.1260	Plugging and Restoration Requirements
240.1270	Confidentiality
240.1280	Converting to Water Well

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section	
240.1300	Introduction
240.1305	Permit Requirements in Mine Areas

DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

240.1310 Workable Coal Beds Defined
 240.1320 Mining Board may Determine Presence of Coal Seams
 240.1330 Well Locations Prohibited
 240.1340 Notice to Mining Board
 240.1350 Casing and Protective Work
 240.1360 Operational Requirements Over Active Mine
 240.1370 Inspection of Vehicles (Recodified)
 240.1380 Transfer of Permits (Recodified)
 240.1385 Revocation of Oil Field Brine Hauling Permit (Recodified)
 240.1390 Records and Reporting Requirements (Recodified)
 240.1395 Bonds--Blanket Surety Bond (Recodified)

240.1640

Repayment of Funds

240.1700 Fee Liability
 240.1705 Amount of Assessment
 240.1710 Annual Permittee Reporting
 240.1720 When Fees are Due
 240.1730 Opportunity to Contest Billing
 240.1740 Delinquent Permittees

SUBPART Q: ANNUAL WELL FEES

SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS
AND FOR GAS STORAGE AND OBSERVATION WELLS

Section
 240.1400 Definitions
 240.1405 Transfer of Management (Repealed)
 240.1410 Applicability
 240.1420 Notification
 240.1425 Authority of Person Signing Transfer Notification
 240.1430 Responsibilities of Current Permittee
 240.1440 Responsibilities of New Permittee or Proposed New Permittee
 240.1450 Authority of Persons Signing Notification
 240.1460 Conditions for and Effect of Issuance or Transfer of Permit to Operate
 240.1465 Condition for and Effect of Transfer of PRF Wells
 240.1470 Revocation of Permit to Operate
 240.1480 Involuntary Transfer
 240.1485 Administrative Record Correction
 240.1490 Transfer Hearings

SUBPART O: BONDS

Section
 240.1500 When Required, Amount and When Released
 240.1510 Definitions
 240.1520 Bond Requirements
 240.1530 Forfeiture of Bonds

SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section
 240.1600 Definitions
 240.1610 Plugging Leaking or Abandoned Wells
 240.1620 Plugging Orphaned Wells
 240.1625 Plugging Abandoned Wells Through Landowner Grant
 240.1630 Emergency Well Plugging, Emergency Repair Work, Emergency Projects
 240.1635 Emergency Well Plugging and Emergency Project Reimbursement

SUBPART S: REQUIREMENTS FOR SERVICE WELLS

Section
 240.1900 Applicability
 240.1905 Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes
 240.1910 Contents of Application for Permit to Drill or Convert to a Service Well
 240.1920 Authority of Person Signing Application
 240.1930 Issuance of Permit
 240.1940 When Wells Shall Be Plugged and Department Notification
 240.1950 Plugging and Restoration Requirements
 240.1960 Converting to Water Well

AUTHORITY: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725].

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8422, effective April 28, 1998; amended at 22 Ill. Reg. 8845, effective April 28, 1998; amended at 22 Ill. Reg. 22314, effective December 14, 1998; amended at 25 Ill. Reg. ~~9045~~⁹⁰⁵⁹ effective _____.

In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 240.10 Definitions

"Act"--means the Illinois Oil and Gas Act [225 ILCS 725].

"Annular or casing injection/disposal well"--means a well into which fluids are injected between the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and packer.

"Cement"--means all petroleum industry cements meeting the requirements set forth in "Specifications for Oil Well Cements and Cement Additives", API Standard 10A, January 1974, published by the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005 (this incorporation does not include any later publications or editions), except as provided in Subpart K of this Part these

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

rules.

"Class II fluids" means:

Produced water and/or other fluids brought to the surface in connection with drilling, completion, workover and plugging of oil and natural gas wells; enhanced recovery operations; or natural gas storage operations;

Produced water and/or other fluids from above, which prior to re-injection have been:

used on site for purposes integrally associated to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

chemically treated or altered to the extent necessary to make them usable for purposed integrally related to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations, or natural gas storage operations;

commingled with fluid wastes resulting from fluid treatments outlined above, provided the commingled fluid wastes do not constitute a hazardous waste under the Resource Conservation and Recovery Act;

Freshwater from groundwater or surface water sources which is used for purposes integrally related or associated with oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

Waste fluids from gas plants (including filter backwash, precipitated sludge, iron sponge, hydrogen sulfide and scrubber liquid) which are an integral part of oil and gas production operations; and waste fluids from gas dehydration plants (including glycol-based compounds and filter backwash) which are an integral part of natural gas storage operations, unless the gas plant or gas dehydration plant wastes are classified as hazardous under the federal Resource Conservation and Recovery Act.

"Class II UTC well"--means an Injection, Disposal or Commercial Disposal well into which fluids are injected:

Which are brought to the surface in connection with natural gas

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

storage operations, or conventional oil or natural gas production, and may be commingled with wastewaters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

For enhanced recovery of oil or natural gas; and

For storage of hydrocarbons which are liquid at standard temperature and pressure.

"Commercial Disposal Well"--means a permitted Class II well for which the permittee receives deliveries of Class II fluids by tank truck and charges a fee for the specific purpose of disposal of Class II fluids.

"Convert"--means to change an oil, gas, Class II UIC, water supply, observation or gas storage well to another of those types of wells, requiring the issuance of a new permit.

"Department"--means the Department of Natural Resources, Office of Mines and Minerals of the State of Illinois. (Section 1 of the Act)

"Directional Drilling"--means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

"Director"--means the Director of the Office of Mines and Minerals, as the designee of the Director, Illinois Department of Natural Resources.

"Disposal Well"--means a Class II UIC well into which fluids brought to the surface in connection with oil or natural gas production are injected into a non-productive oil or gas zone for purposes other than enhanced oil recovery.

"District Office"--means the Department's office for the district in which the well is located.

"Division"--means the Division of Oil and Gas within the Department of Natural Resources, Office of Mines and Minerals.

"Enhanced Oil Recovery"--means any secondary or tertiary recovery method used in an effort to recover hydrocarbons from a pool by injection of fluids, gases or other substances to maintain, restore or augment natural reservoir energy, or by introducing gases, chemicals, other substances or heat or by in-site combustion, or by any combination thereof. (Section 1 of the Act)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"Enhanced Oil Recovery Injection Well"--means a Class II UIC well used for enhanced oil recovery.

"Flowline"--means all injection, produced water and oil flow lines located within the boundaries of a lease or unit, or gathering lines between leases to a centralized storage area, or to the point where the lines connect with a primary transportation pipeline.

"Freshwater Fresh-Water"--means surface and subsurface water in its natural state useful for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and recreational purposes, and which will support aquatic life and contains less than 10,000 mg/liter total dissolved solids.

"General Oilfield Waste"--means oily rags, chemical containers including any unused chemicals, oil filters and gaskets, used motor oil, lubricating oils, hydraulic fluids, diesel fuels, paint and solvent wastes and other similar wastes generated during drilling, completion, production and plugging activities and which are not exempt now--or--hereafter--non-exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976.

"Injection Well"--means an enhanced oil recovery injection well or disposal well.

"Liquid Oilfield Waste"--means oilfield brines, produced waters, Class II fluids, tank and pit crude oil bottom sediments, and drilling and completion fluids, to the extent those wastes are now or hereafter exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976. (Section 8c of the Act)

"Liquid Oilfield Waste Hauler"--means a person holding a permit to operate a liquid oilfield waste transportation system.

"Orphan Well"--means a well for which:

No fee assessment under Section 19.7 of the Act has been paid or no other bond coverage has been provided for 2 consecutive years; no oil or gas has been produced from the well or from the lease or unit on which the well is located for 2 consecutive years; and no permittee or owner can be identified or located by the Department. Orphaned wells include wells that may have been drilled for purposes other than those for which a permit is required under the Act if the well is a conduit for oil or saltwater intrusions into freshwater zones or onto the surface which may be caused by oil and gas operations. (Section 1 of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Act)

"Owner"--means the person who has the right to drill into and produce from any pool, and to appropriate the production either for the person or for the person and another, or others, or solely for others, excluding the mineral owner's royalty if the right to drill and produce has been granted under an oil and gas lease. An owner may also be a person granted the right to drill and operate an injection (Class II UIC) well independent of the right to drill for and produce oil or gas. When the right to drill, produce, and appropriate production is held by more than one person, then all persons holding these rights may designate the owner by a written operating agreement or similar written agreement. In the absence of such an agreement, and subject to the provisions of Sections 22.2 and 23.1 through 23.16 of the Act, the owner shall be the person designated in writing by a majority in interest of the persons holding these rights. (Section 1 of the Act)

"Permit"--means the Department's written authorization allowing:

a well or test hole to be drilled, deepened, converted and/or operated by an owner; (Section 1 of the Act); or

a tank battery or concrete storage structure to be constructed and operated; or

operation of a liquid oilfield waste transportation system or engage in lease road oiling.

"Permittee"--means the owner holding or required to hold the permit, and who is also responsible for paying assessments in accordance with Section 19.7 of the Act and, where applicable, executing and filing the bond associated with the well as principal and who is responsible for compliance with all statutory and regulatory requirements pertaining to the well. When the right and responsibility for operating a well is vested in a receiver or trustee appointed by a court of competent jurisdiction, the permit shall be issued to the receiver or trustee. (Section 1 of the Act) Permittee also means the owner or person required to hold the permit for a tank battery, pit, or concrete storage structure or a permit to engage in liquid oilfield waste hauling, lease road oiling, or test well and test hole drilling.

"Person"--means any natural person, corporation, association, partnership, governmental agency or other legal entity, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind. (Section 1 of the Act)

"Pool"--means a natural underground reservoir containing, in whole or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

in part, a natural accumulation of oil or gas, or both. Each productive zone or stratum of a general structure, which is completely separated from any other zone or stratum in the structure, is deemed a separate "pool" as used ~~herein~~. (Section 1 of the Act)

"Produced Water"--means water regardless of chloride and total dissolved solids (TDS) content which is produced in conjunction with oil and/or natural gas production and natural gas storage operations.

"production casing"--means the string of casing placed in a well and used for the purpose of isolating the production or injection formation.

"Repressure"--means to increase the reservoir pressure by the introduction of gas, air or water or other fluid into the reservoir.

"Reservoir"--for the purpose of this Part ~~these~~ rules, is interchangeable with the term "pool".

"Rotary Drilling"--means the hydraulic process of drilling a well for oil or gas as such method is commonly used in the industry.

"Shooting"--means the exploding of nitroglycerin or other high explosives in a well for the purpose of increasing the production of oil or gas.

"Surface Waters"--means any river, stream, lake, pond or intermittent stream.

"Tank"--means a vessel into which oil or water is gathered, produced or stored.

"Tank Battery"--means one or more open or closed top tanks, of any capacity, that are located on a lease, unit or adjacent property, for the purpose of collecting, separating and/or storing crude oil and/or other liquid oilfield wastes that are generated as a result of oil and gas production operations.

"Undeveloped Limits of a Mine"--means that portion of a mine where the entries have not been driven to the boundaries of the mine property.

"Vacuum"--means pressure which is reduced below the pressure of the atmosphere.

"Water Drainage Way"--means any drainage ditch, roadside ditch, grassy waterway or any other natural or manmade surface or underground water drainage system.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"Well"--means any drill hole required to be permitted under subsection (2) of Section 6 or Section 12 of the Act, including coal or mineral groundwater monitoring wells, structure test holes, coal test holes, and mineral test holes, and any other well required to be permitted under Sections 6 and 12 of the Act, including oil and gas production wells, water supply wells, Class II UIC injection wells, gas storage and gas storage monitoring wells, orphan wells, unpermitted leaking drill holes and plugged wells.

(Source: Amended at 25 Ill. Reg. 9045, effective _____)

Section 240.140 Violations Not Requiring Formal Action

a) When an inspector or other authorized employee or agent of the Department determines that any permittee is in violation of any requirement of this Act or this Part the rules adopted hereunder or any permit condition, and the inspector or other authorized employee or agent also finds [225 ILCS 725/8a]: 411-Rev-Stat--1990 Supp-ch-96-1/27-part-54137

- 1) that the violation was not caused by the permittee's deliberate action lack-of-due-care;
- 2) that any action necessary to abate the violation was commenced immediately and was or will be completed within a specified date certain, as established by the Department representative, not to exceed 120 90 days from the date of the determination that the permittee is in violation; and
- 3) that the violation has not caused and cannot reasonably be expected to cause significant environmental harm or damage to property;

the violation shall be noted on an inspection report, compliance schedule or other written notification without the need for the issuance of a notice of violation pursuant to Section 240.150. The written inspection report, compliance schedule or other written notification shall indicate the nature and circumstances of the violation, and the time within which and the means by which the violation is to be abated. A copy of the inspection report, compliance schedule or other written notification shall be delivered to the permittee or his representative at the time it is prepared, and the original shall be forwarded to the Director or his designee.

b) If, following investigation, the Director or his designee determines that the findings were incorrect or that abatement was not completed as specified in the inspection report, compliance schedule or other written notification, the Director or his designee shall issue a notice of violation in accordance with Section 240.150 and/or a cessation order in accordance with Sections 240.185 and 240.186 Section-240-170.

c) The provisions of this Section shall not apply to the following

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- violations:
- 1) Drilling or operating, without a permit or permit transfer from the Department, a well required to be permitted under the Act;
 - 2) Operating an annular or casing injection/disposal well or a well with pressure on the annulus; and
 - 3) Failure Failing to maintain required performance bond in-force or pay annual well fees for the wells under permit;
 - 4) Failure to renew Future Use status on a well or secure approved Future Use status following a denial of Future Use status on a well;
 - 5) Failure to establish mechanical integrity on a Class II well or repair a Class II well following failure of mechanical integrity;
 - 6) Operating a well that has been placed in the Plugging and Restoration Program;
 - 7) Failure to provide emergency response for a crude oil or saltwater spill;
 - 8) Improper discharge or disposal of produced fluids;
 - 9) Operating a well in violation of spacing requirements or permit conditions; and
 - 10) Failure to restore a well site after plugging.

(Source: Amended at 25 Ill. Reg. 9045, effective _____)

Section 240.160 Director's Decision

a) Upon receipt of a notice of violation, the Director of the Department, or his designee, shall conduct an investigation and may affirm, vacate or modify the notice of violation. In determining whether to take action in addition to remedial action necessary to abate a violation the Director shall consider:

- 1) the person's or permittee's history of previous violations, including violations at other locations and under other permits;
 - A) A violation shall not be counted if the notice or order is the subject of pending administrative review by the Department under Section 240.180 or if the time to request such review has not expired, and thereafter it shall be counted for only two years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision;
 - B) No violation for which the notice or order has been vacated shall be counted;
- 2) the seriousness of the violation, including any irreparable harm to the environment or damage to property;
- 3) the degree of culpability of the person or permittee; and
- 4) the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by the person or permittee.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

b) Modification of the notice of violation may include:

- 1) any different or additional remedial actions necessary to abate the violation, as set forth in Section 240.150(b)(2), and the time within which the violation must be abated;
- 2) the assessment of civil penalties not to exceed \$1,000 a day for each and every act of violation;
- 3) probationary or permanent modification or conditions on the permit which may include special monitoring or reporting requirements; and

4) revocation of the permit. (Section 8a of the Act)

- c) The Director shall determine whether or not to assess civil penalties based on the factors set forth in subsection (a) above. If a penalty is assessed by the Department, the penalty shall be computed as follows:

- 1) Administrative violations, including, but not limited to, the failure to file the reporting, permitting and bond transfer forms required by the Department or the failure to notify the Department before setting surface casing, setting tubing and packer, or plugging a well submit-information-required-by-the-Department-pursuant-to-well-file-reviews, shall be assessed on an permittee-specific basis. The Department may assess up to \$250 for an administrative violation as follows:

A) History-of-Violations:

i) No previous violation of the same rule: add \$25.

ii) One previous violation of the same rule: add \$50.

iii) Two previous violations of the same rule: add \$75.

iv) Three or more previous violations of the same rule: add \$100.

E) Four or more previous violations of the same rule: \$250.

B) Permittee's Actions:

i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply, add \$100.

ii) If the permittee abated the violation within the specified time frame, subtract \$200.

iii) If the permittee either substantially abated the violation within the specified time frame or if all corrective actions were not completed yet the permittee requested and received an extension of the abatement deadline, subtract \$100.

- 2) Operating violations, including, but not limited to, operating a well required to be permitted under the Act without first obtaining a permit from the Department, operating a well required to be permitted under the Act without first obtaining the Department's transfer of operating authority, operating a well in violation of Department spacing requirements, pressure on the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

annulus, failure to maintain the well and flow line in a leak-free condition, failure to configure the wellhead for the inspection of the annulus, failure to comply with specified permit conditions, failure to report a spill, failure to maintain containment dikes, failure to maintain required performance bond in force for the wells under permit and failure to pay annual well fees, shall be assessed on a permittee-specific basis. Multiple incidents of the same violation against a permittee on the same occasion shall not be considered separate violations. The Department may assess up to \$500 for an operating violation as follows:

A) History of Violations:

i) No previous violation of the same rule: add \$50.

ii) One previous violation of the same rule: add \$100.

iii) Two or more previous violations of the same rule: add \$150.

B) Seriousness:

- i) If the violation had a low degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add \$50; or, if the violation had a high degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add \$100; or, if the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add \$200.
- ii) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add \$500.

C) Permittee's Actions:

i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply: add \$100.

ii) If the violation occurred as a result of the permittee's lack of reasonable care: add \$50; or, if the violation occurred as a result of the permittee's deliberate conduct, including lack of reasonable maintenance of equipment: add \$200.

iii) If the permittee abated the violation within the violation deadline or within the specified time frame in an approved extension deadline: subtract \$250.

iv) If the permittee either substantially abated the violation within the specified time frame or if all corrective actions were not completed yet the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~permittee-requested-and-received-an-extension--of--the abatement-deadline--subtracted-\$100-~~

- 3) Operating an annular or casing injection/disposal well; operating wells by a permittee for whom wells have been placed into, or funds have been expended from, the PRF Fund; failure to provide emergency response or remediate clean-up a crude oil or produced water spill; or the improper disposal or discharge of produced fluids, shall result in an initial assessment of ~~a-\$1000-penalty for-each-and-every-such-violation--Additional-assessments--for these-violations-may-be-computed-as-folllows:~~

- A) History of Violations:
One or more previous violations of the same rule in accordance with subsection (a)(1)(A) of this Section: add \$100 per violation.

B) Seriousness:

- i) If the violation caused environmental damage to surface water, ground water or wildlife: add \$200.
ii) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add \$500.

C) Permittee's Action:

If the violation occurred as a result of the permittee's lack of reasonable care: add \$500 \$100; or, if the violation occurred as a result of the permittee's deliberate conduct: add \$1000 \$500.

- d) Any responsible person who willfully or knowingly authorized, ordered, or carried out any violation cited in the Director's decision shall be subject, after notice, to the same actions, including civil penalties, which may be imposed on the person or permittee under this Section. (Section 8a of the Act)

- e) The Director or his designee shall serve the person or permittee with his decision at the conclusion of his investigation. The Director's decision shall provide that the person or permittee has the right to request a hearing in accordance with Section 240.180. The Director's decision affirming, vacating or modifying the notice of violation shall be served in accordance with Section 8a of the Act.

- f) A Director's decision not appealed in accordance with Section 240.180 within 30 days after service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act. The filing of a request for hearing under Section 240.180 shall not operate as a stay of the Director's decision.

- g) The permittee may, within 30 days from the date of service of the Director's decision Beckstein, submit to the Department, in writing, any mitigating factors which permittee believes to be relevant to the violation cited in the Director's Beckstein.

- h) Upon further investigation, the Director of the Department, or his designee, may enter into a settlement agreement, issue an amended Director's Beckstein, or issue a replacement Director's

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

decision Beckstein.

- 1) A settlement agreement shall be issued to:

- A) extend the amount of time provided to complete remedial actions necessary to abate the violations set forth in the Director's Beckstein; or
B) reduce the civil penalty assessed in the Director's Beckstein; or
C) allow new permits or the transfer of existing permits to be issued during the term of the settlement agreement.

- 2) An Amended Director's Beckstein shall be issued to:
A) extend the amount of time provided to complete remedial action necessary to abate the violation set forth in the Director's Beckstein; or
B) reduce the civil penalty assessed in the Director's Beckstein.

- 3) A replacement Director's Beckstein shall be issued to correct an administrative error contained in the Director's Beckstein or the Notice of Violation.
4) The permittee shall have no right to hearing associated with the issuance of an amended or replacement Director's Beckstein.

- i) If the Director's decision includes the assessment of a civil penalty, and the person or permittee named in the Director's decision does not request a hearing in accordance with Section 240.180 to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days after service of the Director's decision.

- j) All civil penalties assessed and paid to the Department shall be deposited in the Underground Resources Conservation Enforcement Fund. (Section 8a of the Act)

(Source: Amended at 25 Ill. Reg. 9045, effective 7/1/01)

Section 240.185 Cessation of Oil Production Operations

- a) The Department may issue orders requiring the cessation of operations, without issuing a notice of violation in accordance with Section 240.160.

- b) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or this Part or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of operations. [225 ILCS 725/19.1] The following constitute procedures or violations mandating the issuance of a cessation order under this

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

subsection: ~~drilling--or--operating--without--a--permit--from--the Department--a well--required--to--be--permitted--under--the--Act; operating a well required to be permitted under the Act without first obtaining the Department's transfer of operating authority; operating--an--annular or--casing--injection/disposal--well; operating a well in violation of the Department's spacing requirements; operating wells without paying annual well fees; or operating wells without maintaining the required amount of performance bond in force; or operating wells by a permittee for whom funds have been expended from the PRF Fund in accordance with Subpart Q of this Part.~~

c) ~~if--a--responsible--party--cannot--be--readily--located--in--the--judgment--of the--employee--or--agent--issuing--the--cessation--order--the--employee--or agent--may--take--any--action--he--deems--necessary--to--cause--a--cessation--of operations--and--abatement--of--any--violation--observed; 1225--ILCS 725/19.11~~

cd) ~~The cessation order shall be served by personal delivery to the person or permittee named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practicably possible but in no event later than 5 days after its issuance. [225 ILCS 725/19.1]~~

d) ~~The cessation order shall contain a date for a hearing that shall be held within 30 days after the issuance of the cessation order. The hearing shall be conducted by an impartial hearing officer, designated by the Department, held in the Department's office in Springfield, Illinois, and conducted in accordance with Article 10 of the Illinois Administrative Procedure Act.~~

e) ~~The cessation order shall also provide that the person or permittee named in the order has the right to request a temporary relief hearing within 14 days from the date of issuance of the cessation order in accordance with Section 240.190. The cessation order shall be considered served when personally delivered to the person or permittee named in the order or when the cessation order is mailed certified mail, return receipt requested, to the person or permittee at his last known address.~~

f) ~~At the cessation order hearing scheduled to determine whether the person or permittee has complied, the Department shall have the burden of proving the facts of the violation alleged in the cessation order. The standard of proof shall be a preponderance of the evidence. The impartial hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render findings of fact, conclusions of law and issue the final administrative decision of the Department pursuant to Section 10 of the Act.~~

g) ~~A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. [225 ILCS 725/8a] The filing of a request for temporary relief under Section 240.190 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 240.190.~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

h) ~~A--cessation--order--not--subject--to--temporary--relief--in--accordance--with subsection--(f)--above--shall--become--a--final--administrative--decision--of the--Department--pursuant--to--Section--10--of--the--Act.~~

(Source: Amended at 25 Ill. Reg. 9045 effective 10/1/00)

Section 240.186 Cessation of Conditions Creating an Imminent Danger to Public Health and Safety and the Environment

a) ~~The Department may issue cessation orders requiring the cessation of conditions causing or the correction of any condition that creates a threat to the health or safety of the public or an imminent danger of significant environmental harm or significant damage to property, without issuing a notice of violation in accordance with Section 240.160.~~

b) ~~If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or this Part or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of the condition or practice. [225 ILCS 725/19.1] The following constitute conditions or violations mandating the issuance of a cessation order under this subsection: drilling or operating, without a permit from the Department, a well required to be permitted under the Act; operating an annular or casing injection/disposal well; or failure to repair a leak or cease improper discharge of saltwater, oil or other liquid oilfield wastes from a well, tank or flowline or by a liquid oilfield waste hauler.~~

c) ~~If a responsible party cannot be readily located, in the judgment of the employee or agent issuing the cessation order, or fails to respond, within the time frame specified in the cessation order, to correct the condition endangering the public health, safety or the environment, the employee or agent may take any action he deems necessary to cause a cessation of operations and abatement of any violation observed [225 ILCS 725/19.1], including emergency activities specified in Section 240.1630.~~

d) ~~The cessation order shall be served by personal delivery to the person or permittee named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practicably possible but in no event later than 5 days after its issuance. [225 ILCS 725/19.1] The notice shall contain a scheduled hearing date that shall be held within 5 days after the issuance of the cessation order. The hearing shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act by an impartial hearing officer designated by the~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department and held in the Department's office in Springfield, Illinois.

- e) At the hearing, the Department shall have the burden of proving the facts of the violation alleged in the cessation order. The standard of proof shall be a preponderance of the evidence. The impartial hearing officer shall conduct the hearing, hear the evidence, and at the conclusion of the hearing render findings of fact, conclusions of law and issue the final administrative decision of the Department pursuant to Section 10 of the Act.

- f) A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department [225 ILCS 725/8(a)]. A cessation order issued under this Section is not subject to temporary relief under Section 240.190 of this Part.

(Source: Added at 25 Ill. Reg. 9045, effective

Section 240.190 Temporary Relief Hearings

- a) Pending the holding of a hearing in accordance with Section Sections 240.185(de) of and 240.180(fg) relating to a cessation order issued under Section 240.185 or 240.180, the person or permittee affected by the Department's action may file a written request for temporary relief from the cessation order, together with a detailed statement giving reasons for granting such relief. (Section 8a of the Act) The person or permittee shall serve the request for temporary relief within 14 days after service of the cessation order.

- b) The Department shall commence a hearing within 5 working days after receipt of a timely request for temporary relief and may grant such relief, under such conditions as it may prescribe, if the person or permittee requesting temporary relief shows a substantial likelihood that the findings of the Department will be favorable to him and such relief will not adversely affect the health or safety of the public or cause significant environmental harm or significant damage to property. (Section 19.1 of the Act)

- c) All hearings under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act. All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois.

- d) At the hearing the permittee shall have the burden of proving that temporary relief from the cessation order will not adversely affect the health or safety of the public or cause environmental harm or significant damage to property. The hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render findings of fact, conclusions of law and the disposition of the case.

- e) The hearing officer shall issue a final administrative decision granting or denying temporary relief from the cessation order within 7 days after the close of the administrative record, pursuant to Section

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

10 of the Act. Temporary relief shall not extend for more than 90 days, after which the cessation order shall be reinstated pending the outcome of the cessation order and pending a resolution of the violations of the Act specified in the cessation order.

- f) The person's or permittee's failure to request a hearing in accordance with subsection (a) shall constitute a waiver of all legal rights to contest the cessation order.

(Source: Amended at 25 Ill. Reg. 9045, effective

Section 240.195 Subpoenas

- a) Any party to proceedings brought under Sections 240.130, 240.131, 240.132, 240.133 240.180 and 240.190 of this Part the Department's rules may apply for subpoenas to compel the attendance of witnesses and the production of relevant documents.

- b) The applicant shall submit the subpoena request to the Department's hearing officer. The subpoena request shall specifically identify the witness or relevant documents sought to be produced.

- c) The hearing officer shall issue subpoenas within 7 calendar days from receipts of a request made in accordance with subsection (b) above and deliver the subpoena to the Petitioner who shall serve all subpoenas issued by certified mail, return receipt requested, at least 7 days before the date set for the hearing. Any witness shall respond to any lawful subpoena of which he has actual knowledge, if a voucher for payment of the witness fee and mileage applicable in the State circuit courts has been tendered. Service of a subpoena may be proved prima facie by a return receipt signed by the witness or his authorized agent and an affidavit showing that the mailing was prepaid and was addressed to the witness, restricted delivery, with a State voucher check-or-money-order for the fee and mileage enclosed.

- d) Any person served with a subpoena under this Section may file with the hearing officer, and serve on all parties, a motion for an order quashing the subpoena, in whole or in part. All motions to quash filed under this subsection shall set forth a factual and/or legal basis for granting such relief.

- e) The hearing officer shall issue, and serve on all parties, a decision granting or denying the motion to quash within 7 calendar days from receipt of the motion.

(Source: Amended at 25 Ill. Reg. 9045, effective

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section 240.251 Revocation of Permit to Drill

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- a) The Department may revoke a permit if:
- 1) The permittee fails to meet permit conditions; or
 - 2) The permit was issued in error; or
 - 3) The permittee is not in compliance with Section 240.250(b) of this Subpart.
- b) The Department shall notify the permittee of the Department's intent to revoke a permit effective 30 days from the date of notice unless a hearing is requested in accordance with subsection (c) below.
- c) If a written objection to the permit revocation is filed within 30 days after the date of the notice:
- 1) A pre-hearing conference shall be held within 15 days after the receipt of the request for hearing.
 - A) A pre-hearing conference shall be scheduled in order to:
 - i) Simplify the factual and legal issues presented by the hearing request;
 - ii) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
 - iv) Set a hearing date; and
 - v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.
 - B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
 - 2) All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois.
- d) At the hearing, the Department shall present evidence in support of its determination under subsection (a) above. The permittee may present evidence contesting the Department's determination under subsection (a) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.
- e) Within 30 days after the close of the record or the receipt of the transcript of the hearing, the Department shall render a final administrative decision.
- f) The permittee's failure to request a hearing in accordance with subsection (c) to reinstate the permit or require the well to be plugged shall constitute a waiver of all legal rights to contest the permit revocation decision. Upon the expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 25 Ill. Reg. 9045, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR PRODUCTION WELLS

Section 240.610 Construction Requirements for Production Wells

- a) Surface Casing Requirements for Wells Drilled After May 13, 1994
- 1) Steel surface casing or fiberglass casing meeting API standards (Fiberglass Casing and Tubing, 15AR, May 1987, published by the American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070; no later editions or amendments included) shall be set to a depth of at least 100 feet, or 50 feet below the base of the freshwater, whichever is deeper, unless an alternative surface casing procedure is used as outlined in subsection (b).
 - 2) Surface casing or alternative surface casing shall be set under the supervision of a representative of the Department and the permittee shall give at least 24 hours notice to the District Office prior to setting the surface casing. In lieu of a Department representative being present during the setting of surface casing, the District Office may approve the submission of cement and casing records verifying the setting of surface casing. If cement and casing records are requested, the permittee shall provide the records immediately following completion of the work.
 - 3) Surface casing shall be cemented in place by circulating cement behind the surface casing from the setting depth of the casing to the surface.
 - 4) The cement shall be allowed to set in place until it has developed sufficient strength to allow drilling to resume, but no less than 4 hours.
- b) Alternative Surface Casing Procedures
- 1) Prior to the commencement of drilling, at the time of submitting the permit application, the permittee shall notify the District Office of the intent to use an alternative surface casing procedure. One of the following alternative surface casing procedures:
 - 2) Notice shall be given on a form prescribed by the Department and received in the District Office at least 24 hours prior to the commencement of drilling.
 - 3) The following alternative surface casing procedures may be used unless the well is located over a coal mined out area or a gas storage field:
 - A) If the unconsolidated material is less than 25 feet thick, no surface casing is required but a cement basket shall be set 50 feet below the base of the freshwater and the production casing shall be either cemented to surface from total depth, or cemented from the cement basket to surface together with the required cement on the bottom of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

production-casing-as-specified-in-subsection-(b).

B) If the unconsolidated material is greater than 25 feet thick, surface casing is required to be set and cemented, in accordance with subsection (a), to the top of the bedrock, a ~~cement-basket-shall-be-set-50-feet-below-the-base-of-the~~ freshwater and the production casing shall be either cemented to surface from total depth or cemented from the cement basket placed 50 feet below the base of the ~~freshwater~~ freshwater to surface ~~together-with-the-required-cement-on~~ the-bottom-of-the-production-casing-as-specified-in ~~subsection-(b)-below.~~

C) For wells in which the total depth is less than 500 feet below the base of the freshwater, no surface casing or cement basket is required, but the production casing shall be cemented from total depth to surface.

4) For wells located over a coal mined out area or a gas storage field:

A) at least 100 feet of surface casing and cement shall be set before drilling to the depth of the mined out area, into the mined out area or to the depth of the gas storage zone; and

B) a cement basket shall be set 50 feet below the base of the freshwater and the production casing shall be cemented from the basket to the surface or, if required under Section 240.1360, a mine string shall be set in accordance with Section 240.1360(B).

cb) Production Casing Requirements for Wells Drilled After May 13, 1994-
Production casing shall be set and cemented in place by circulating cement behind the production casing from the setting depth of the casing to a minimum of 250 feet above the shallowest producing interval. The casing shall be set no higher than 50 feet above the top of the uppermost producing interval in an open hole completion.

de) Production Casing Requirements for Existing Wells Drilled Prior to May 13, 1994

1) For all existing wells without production casing:

A) If surface casing was previously set, production casing shall be set and cemented a minimum of 250 feet in accordance with subsection (c) ~~(b)-above.~~

B) If surface casing was not previously set, production casing shall be set and cemented to surface, ~~in-accordance-with~~ subsection-(c)-(5)-above.

2) Wells drilled prior to the May 13, 1994 that contain drive pipe without cement behind the drive pipe will require no further cementing work.

ed) Tubing and Packer in Flowing Wells

All wells flowing as a result of an enhanced oil recovery project shall be produced through tubing and packer. The packer shall be set within 200 feet of the top of the producing interval and within the cemented portion of the production casing. The permittee shall

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

contact the District Office in which the well is located at least 24 hours prior to the initial setting or any resetting of the packer to enable an inspector to be present when the packer is set.

(Source: Amended at 25 Ill. Reg. 3045.02 effective 10/1/01)

Section 240.630 Operating Requirements

a) The well shall be maintained and operated in accordance with all permit conditions or be subject to permit revocation in accordance with Section 240.251.

ba) The well and wellhead shall be maintained in a leak-free condition.

cb) All spills of produced water or oil occurring at the well-site due to a leaking wellhead shall be cleaned up in accordance with Subpart I.

de) Wells that have not produced for more than 2 years shall be temporarily abandoned or plugged in accordance with Subpart K.

ed) Casinghead gas, produced in conjunction with oil production, that is not collected for use or sale, shall be flared unless the Department approves an exemption from this requirement. In determining whether to approve an exemption, the Department shall consider the quantity of casinghead gas produced, the topographical and climatological features at the well site, and the proximity of agricultural structures and crops, inhabited structures, public buildings, and public roads and railways.

fe) If hydrogen sulfide Hydrogen-Sulfide gas (H₂S) is present in excess of 20 ppm within 5 feet in any direction from the wellhead or the end of the flare line, the Department shall specify measures to be taken by the permittee to protect against waste and injury to the public health and safety, which may include the erection of flare lines, the posting of warning signs, and the erection of fencing. The Department may also require the setting of a temporary mechanical or cement plug during any period of time in which the well is not producing or during any period of time necessary to effectuate safety measures. In specifying the measures to be taken by the permittee, the Department shall consider the quantities of H₂S being emitted, the topographical and climatological features at the well site and the proximity of inhabited structures, public buildings, and public roads and railways.

(Source: Amended at 25 Ill. Reg. 3045.02, effective 10/1/01)

SUBPART G: WELL CONSTRUCTION, OPERATING
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section 240.710 Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells ~~Drilled-After-the-Effective-Date-of-this-Section~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

a) Surface Casing

- 1) Steel surface casing shall be set to a depth of at least 100 feet, or 50 feet below the base of the freshwater zone, whichever is deeper, unless an alternative surface casing procedure is used as outlined in subsection (b).
- 2) Surface casing or alternative surface casing shall be set under the supervision of a representative of the Department and the permittee shall give at least 24 hours notice to the District Office prior to setting the surface casing. In lieu of a Department representative being present during the setting of surface casing, the District Office may approve the submission of cement and casing records verifying the setting of surface casing. If cement and casing records are requested, the permittee shall provide the records immediately following completion of the work.
- 3) Surface casing shall be cemented in place by circulating cement behind the surface casing from the setting depth of the casing to the surface.
- 4) The cement shall be allowed to set in place until it has developed sufficient strength to allow drilling to resume, but no less than 4 hours.

b) Alternative Surface Casing Procedures

- 1) Prior to the commencement of drilling, at the time of submitting the permit application the permittee shall notify may request approval from the District Office Department for the county where the well will be located of the permittee's intent to use an alternative surface casing procedure, one of the following alternative surface casing procedures:
- 2) Notice shall be given on a form prescribed by the Department and received in the District Office at least 24 hours prior to the commencement of drilling.
- 3) The following alternative surface casing procedure may be used unless the well is located over a coal mined out area or a gas storage field:

A) If the unconsolidated material is less than 25 feet thick, no surface casing is required but a cement basket shall be set 50 feet below the base of the freshwater and the production casing either cemented to surface from total depth, or cemented from the cement basket to surface together with the required cement on the bottom of the production casing as specified in subsection (b).

B) If the unconsolidated material materials is greater than 25 feet thick, surface casing is required to be set, and cemented in accordance with subsection (a), to the top of the bedrock, a cement basket shall be set 50 feet below the base of the freshwater and the production casing shall be either cemented to surface from total depth, or cemented from the cement basket placed 50 feet below the base of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

freshwater) to surface together with the required cement on the bottom of the production casing as specified in subsection (b).

- C) For wells in which the total depth is less than 500 feet below the base of the freshwater, no surface casing or cement basket is required, but the production casing shall be cemented from total depth to surface.

4) For wells located over a coal mined out area or a gas storage field:

- A) At least 100 feet of surface casing and cement shall be set before drilling to the depth of the mined out area, into the mined out area or to the depth of the gas storage zone; and
- B) a cement basket shall be set 50 feet below the base of the freshwater and the production casing shall be cemented from the basket to the surface or, if required under Section 240.1360, a mine string shall be set in accordance with Section 240.1360(b).

cb) Production Casing

Production casing shall be set and cemented in place by circulating cement behind the production casing from the setting depth of the casing to a minimum of 250 feet above the shallowest permitted injection interval. The casing shall be set no higher than 50 feet above the top of the uppermost permitted injection interval in an open hole completion.

(Source: Amended at 25 Ill. Reg. 9045, effective /1/1/)

Section 240.760 Establishment of Internal Mechanical Integrity Internal Mechanical Integrity for Class II UIC Wells

- a) For purposes of this Section, establishment of internal mechanical integrity Internal Mechanical Integrity includes proper placement of the packer in accordance with subsection (b) below and successful completion of a pressure test in accordance with subsection (gf) below.

b) Injection shall be through tubing and packer unless alternative construction methods are approved by the U.S. Environmental Protection Agency. The packer shall be placed no higher than 200 feet above the uppermost perforations or the casing seat in an open hole completion, provided the packer is within the cemented portion of the production casing such that there is at least 50 feet of cement above the packer, and further provided the packer is no less than 100 feet below the base of the freshwater. No perforations shall be left open above the packer unless they are isolated by a dual packer or concentric packer system. If a dual packer is used, the uppermost packer must satisfy the placement requirements of this subsection.

- c) If the packer cannot be set in accordance with subsection (b) above

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

due to existing well construction, casing leaks within the cemented portion of the production casing, or an obstruction in the well, the permittee may request and the Department may specify an alternative alternate packer setting depth provided the packer remains within the cemented portion of the production casing. In determining an alternative alternate packer setting depth the Department shall take into consideration the current construction of the well, the depth of the freshwater and the nature of the obstruction.

- d) The permittee shall contact the District Office in which the well is located at least 24 hours prior to the initial setting or any resetting of the packer in a Class II UIC well to enable an inspector to be present when the packer is set. Setting of the packer must be reported on a form prescribed by the Department.

e) An internal mechanical integrity test shall be performed:

- 1) prior to initial injection into a newly permitted Class II UIC well;
- 2) prior to initial injection into a Class II UIC well after a change to a new, permitted injection zone;
- 3) prior to resuming injection into any Class II UIC well after any workover work-over of the well involving the resetting or movement of a packer;
- 4) prior to initial injection into a Class II UIC well after the well has been reactivated from temporary abandonment status;
- 5) whenever the Department has reason to believe, based upon well records or field observation, and subject to the provisions of Sections 240.140, 240.150 and 240.170 of this Part, that the Class II UIC well may be leaking or improperly constructed; and
- 6) at least once every 5 years measured from the date of the last successful test unless a temporary abandonment is approved in accordance with Section 240.1132 240-1139.

- f) All Class II UIC wells not subjected to an internal mechanical integrity pressure test as of September 1, 1990 were required to shall be tested by September 1, 1995, unless Future Use status was approved Prior to July 14, 2000. temporarily--abandoned-in--accordance--with Section-240-1139-within-5-years-after-July-14-1995- During the first 4 years, each permittee shall conduct an internal mechanical integrity test each year commencing September 1 on at least 20% of the permittee's total Class II UIC wells of record as of September 1 as reported to each permittee by the Department. During the fifth year each permittee shall conduct an internal mechanical integrity test on all remaining untested Class II UIC wells that were are of record September 1, 1994 or were are acquired during the year ending September 1, 1995. Class II UIC wells sold or acquired during the first 4 years shall not affect the total number of wells from which the 20% testing requirement is derived for that year. Wells tested during the year in which they are transferred shall count toward the 20% testing requirement of the permittee who conducted the test. Class II UIC wells temporarily abandoned, converted to production

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

wells or plugged in accordance with the provisions of Subpart K during any year shall count toward the 20% testing requirement.

- g) Pressure Test:

The following pressure test shall be performed on Class II UIC wells to establish the internal mechanical integrity of the tubing, casing and packer of the well. The permittee shall contact the District Office in which the well is located at least 24 hours prior to conducting a pressure test to enable an inspector to be present when the test is done. The permittee shall report the test results on a form prescribed by the Department.

- 1) Pressure Test

The casing-tubing annulus above the packer shall be tested under the supervision of the Department at a minimum pressure differential between the tubing and the annulus of 50 PSIG for a period of 30 minutes. In addition, the casing-tubing annulus starting test pressure shall not be less than 300 PSIG and may vary no more than 5 percent of the starting test pressure during the test. The well may be operating or shut in during the test.

- 2) Monitoring Test

For those wells which are structurally unable to withstand the pressure test specified in subsection (gd)(1) above because the packer would unseat, but not because the well is improperly constructed, the permittee may make application to perform a monitoring test in lieu of the pressure test on forms prescribed by the Department. An approved monitoring test will consist of pressuring the annulus to a specified pressure no less than 50 PSIG and monitoring the positive annular pressure over a specified period of time. In determining whether to approve a monitoring test, and in establishing the test parameters (i.e., positive annulus pressure, tubing injection pressure, injection rate, monitoring method and length and frequency of monitoring), the Department shall consider well construction including:

- A) the volume of the casing-tubing annulus;
- B) depth of packer;
- C) pressure below the packer; and
- D) type of tubing and packer.

- h) Any Class II UIC well which fails an internal mechanical integrity test, or on which an internal mechanical integrity test has not been performed when required by subsections (e) and (f) subsection-(d)--and ~~te--above,~~ shall be shut in until the well is plugged or until remedial work is completed and an internal mechanical integrity test is successfully completed. ~~The if--the necessary work shall be has--not been completed and an internal mechanical integrity test successfully completed within 90 days, for within any greater length of time established by the Department due to weather conditions--the well shall-be-temporarily-abandoned-in--accordance-with Section--240-1139-(d) of-this-Part.~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 9045, effective _____)

Section 240.780 Reporting Requirements for Class II UIC Wells

a) Well Completion Reports

1) Contents

The Well Completion Report shall be completed on a form prescribed by the Department and shall contain:

- A) the name and location of the well;
- B) information on the construction of the well;
- C) information on the injection zones and the type of completion treatment performed on each zone; and
- D) injection rates and pressures.

2) Newly drilled or converted wells

A Well Completion Report shall be submitted to the Department within 30 days after the conclusion of initial completion activities (i.e., setting of tubing and packer) or within 30 days after the expiration of the permit if the well was not drilled or converted.

3) Existing wells

A Well Completion Report shall be completed and submitted to the Department for each recompletion of any existing injection well. Recompletion includes injection into a zone not previously used for injection in the well. The Well Completion Report shall be submitted within 30 days after the completion of any such workover or recompletion activity.

b) Well Drilling Report

1) For all wells drilled or deepened ~~after--the--effective--date--of this--Section~~, a Well Drilling Report shall be completed by the permittee on a form prescribed by the Department.

2) The Well Drilling Report shall be submitted to the State Geological Survey within 90 days after drilling ceases and shall contain:

- A) the name and location of the well;
- B) drilling information;
- C) the geologic names and depths of the formations encountered in drilling the well;
- D) the results of all drill stem tests; and
- E) a copy of the drilling time or geolograph record if a geophysical log was not run, unless the well is drilled with air rotary tools.

3) Well Drilling Reports are not required for well conversions not entailing a deepening of the well.

c) Geophysical Logs

A copy of all open hole wire line or geophysical logs run on the well shall be submitted to the State Geological Survey within 90 days after drilling ceases, or in the case of a conversion of an existing well

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

only if the well is deepened.

d) Drill Cuttings

1) Notification and Collection of Drill Cuttings

The Department shall notify the permittee when cuttings are required to be collected. Drill cuttings shall be collected for each run drilled in cable tool wells and each 10 feet of distance drilled in rotary or air drilled wells. The permittee shall obtain containers for the cuttings, and deliver the cuttings to the Illinois State Geological Survey in Champaign, Illinois. When cuttings are required, a Drilling Time log shall also be submitted.

2) When Drill Cuttings Required

Drill cuttings shall be submitted for each well when drill cuttings have not previously been submitted from any well within 1/2 mile of the newly permitted well. If the newly permitted well is drilled to a depth greater than any other well within 1/2 mile, drill cuttings shall be requested from the approximate previously submitted depth to the total depth in the newly permitted well.

e) Annual Well Status Report

The permittee of each Class II UIC well shall file an Annual Well Status Report on forms prescribed by the Department. The report shall be filed by May 1 of each year for the preceding calendar year for all wells which have not received Department approval for temporary abandonment or been plugged by the end of the reporting year, and shall include:

- 1) the name and location of the well;
- 2) the names of all injection intervals;
- 3) the setting depth of the packer; and
- 4) the average and maximum monthly injection rates and pressures.

f) Annual Enhanced Oil Recovery Project Report

The operator of an enhanced oil recovery project shall complete an annual project report on forms prescribed by the Department and submit the report to the State Geological Survey by May 1 of each year.

(Source: Amended at 25 Ill. Reg. 9045, effective _____)

SUBPART H: LEASE OPERATING REQUIREMENTS

Section 240.810 Tanks, Tank Batteries and Containment Dikes

a) Tank Battery Registration

- 1) All new tank batteries constructed after July 1, 2001 shall be registered with the Department, when the tank battery is constructed, by the permittee of the wells on the lease where the tank battery is located. Registration shall be on a form prescribed by the Department.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) All tank batteries existing on July 1, 2001 are required to be registered with the Department, by the permittee of the wells on the lease where the tank battery is located.
- 3) All tank batteries shall be transferred, at the time of associated well transfers, on forms prescribed by the Department. No fee will be charged for tank registration and tank battery transfer.
- 5) The tank battery registration number shall be displayed on the tank battery.
- b) Tank and Tank Battery Requirements
- 1) All tanks and tank batteries containing produced fluids or equipped to receive produced fluids shall be surrounded by containment dikes except tanks located in a floodplain that floods at least annually.
 - 2) Tanks shall not be buried.
 - 3) All tanks shall be maintained in a leak-free condition.
 - 4) All open top tanks shall be covered with bird netting or other system designed to keep birds and flying mammals from landing in the tank.
- 5) New tank batteries constructed after July 1, 2001 shall not be located:
- A) within 200 feet of an existing occupied dwelling, unless the current owner of the structure has provided a written waiver consenting to the construction closer than 200 feet, in which case the tank battery shall be completely fenced to prevent unauthorized access; or
 - B) within 200 feet of a stream, body of water, or marshy land, unless the permittee can demonstrate to the Department that construction standards or topography will prevent accidental discharge into these features.

c) Containment Dike Construction

- 1) A containment dike shall have a capacity of at least one-and-one-half 1 1/2 times the largest tank it contains, and be bermed at least eighteen 18 inches above the average ground surface surrounding the outside of the containment dike.
- 2) Containment dikes shall be constructed of native soil. In areas of sand, containment dikes shall be constructed of clay non-sandy soils and the bottom of the dike area shall be lined with at least six 6 inches of clay non-sandy soil.
- 3) Containment dikes shall not have any breach or other uncontrolled conduit that penetrates the dike and allows the discharge of produced water, liquid oilfield wastes or stormwater.
- 4) Discharge of produced fluids, stormwater or other liquid oilfield wastes is prohibited, unless the permittee obtains an NPDES permit from the Illinois Environmental Protection Agency (IEPA).

d) Containment Dike Maintenance

- 1) The area within the dike shall remain free of liquid oilfield waste, general oilfield waste, equipment debris, stormwater storm

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- water runoff and excessive vegetation.
- 2) Any spill or discharge of produced fluids or other liquid oilfield wastes occurring within a containment dike shall be remediated in place in accordance with Section 240.891(a).
 - 3) Any spill escaping from a containment dike shall be cleaned up in accordance with Sections 240.890 and 240.895 of this Part.
- e) Tank and Containment Dike Restoration
- 1) Remove all tanks and above ground piping and flowlines coming into tank battery.
 - 2) Level and grade soil containment dikes.
 - 3) Remove from site all non-soil constructed containment dikes.
 - 4) Remediate all oil contaminated soil at tank site in accordance with Section 240.891(a).

(Source: Amended at 25 Ill. Reg. 904502, effective 4/1/01)

Section 240.870 Leaking Unpermitted Drill Hole

Where any fluids are potentially leaking into the freshwater as determined by geologic and field investigation or are leaking onto the surface, through an unpermitted drill hole, the unpermitted drill hole shall be plugged by the current permittee of the lease where the unpermitted drill hole is located if such permittee is operating an injection well or has a permitted Class II well within the lease unit, or contiguous group of leases operated by the same permittee. If the Department receives overwhelming documented geologic and/or engineering evidence that the current permittee of the lease where the leaking drill hole is located is not causing the leak, the Department may require the adjacent permittee to plug the drill hole. Pending plugging of the well, all injection wells within a 1/4 mile radius of the leaking drill hole shall be shut-in until the leaking drill hole is plugged. The leaking or previously plugged drill hole shall be plugged regardless of well status at the time of plugging.

(Source: Amended at 25 Ill. Reg. 904502, effective 4/1/01)

Section 240.875 Leaking Previously Plugged Permitted Well

Where any fluids are potentially leaking into the freshwater zones or to the surface as determined by geologic and field investigation, through a previously plugged permitted well plugged under the supervision of the Department, the well shall be replugged by the last permittee of record for the lease on which the leaking well was located when the well was last plugged. Permittee responsible for plugging the well. If the permittee is no longer in existence or cannot be located, the well shall be plugged or replugged by the current permittee of the lease where the well is located. Pending plugging of the well all injection wells within a 1/4 mile radius of the leaking well

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

shall be shut-in until the leaking well is plugged. The leaking or previously leaking unpermitted well shall be plugged regardless of well status at the time of plugging.

(Source: Amended at 25 Ill. Reg. 9045, effective _____)

Section 240.880 Initial Spill Notification

a) Applicability

This Section covers spills of crude oil and produced water from tanks, pits, concrete storage structures, containment dikes and flowlines located within the boundaries of an oil and gas lease, unit, or underground gas storage field. Spills from flowlines beyond the lease, unit, or gas storage field boundaries are included if part of a flowline gathering system transporting produced fluids to a central collection point prior to connection or transfer to a crude oil or gas purchase pipeline. Spills from interstate pipeline or refined product pipeline are not included and are under the jurisdiction of the Illinois Environmental Protection Agency.

b) Spills of crude oil in excess of 1 barrel, or produced water in excess of 5 barrels, onto the surface of the land (if not contained by containment dikes around tanks) shall be reported immediately to the Department's District Office responsible for the county where the spill occurred. The initial report shall contain at a minimum:

- 1) the name of the permittee responsible for the spill;
- 2) the location of the spill;
- 3) the amount of crude oil and saltwater spilled;
- 4) the areal extent of the spill;
- 5) the cause of the spill;
- 6) proposed emergency remediation clean-up action.

c) All crude oil spills, regardless of amount, which enter streams, rivers, ponds, lakes, wetlands or other bodies of water, shall be reported immediately to the Illinois Emergency Management Agency (IEMA) and to the Department's District Office responsible for the county where the spill occurred.

d) All spills which are not required to be reported in accordance with subsection (a) or (b) above are subject to remediation clean-up requirements of Section 240.891 240-890 and Section 240.895 of this Part.

(Source: Amended at 25 Ill. Reg. 9045, effective _____)

Section 240.890 Crude Oil Spill Remediation Clean-Up Requirements

a) All crude oil spills that occur after November 8, 1993, regardless of amount, from wells, flowlines, tanks, concrete storage

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

structures, pits or containment dikes are subject to this Section 7 shall-as-soon-as-practicable-be-contained-using-earthen-dikes-booms and-other-containment-measures-to-minimize-the-amount-of-area-affected-by-the-spill.

b) The permittee is required to initiate the following emergency response procedures for all crude oil spills as soon as practical after a spill has occurred: impounded-free-oil-shall-be-picked-up-and-put-in-lease storage-tanks-or-removed-from-the-site

1) Contain spilled crude oil using earthen dikes, booms and other containment measures to minimize the amount of area affected by the spill.

2) If a spill enters surface waters, the spill shall be contained with booms and/or underflow dams and removed as expeditiously as possible. If it is determined that burning of the oil-affected area will prevent further contamination of the surface waters, an emergency burn may be conducted in accordance with Section 240.891(c) of this Part.

3) Cause of spill shall be repaired.

4) Impounded free oil shall be picked up and put in lease storage tanks or removed from the site.

c) Remaining oil on the land surface shall be removed using absorbent material. The absorbent material which shall be disposed of in accordance with Section 240.891(b) of this Part.

d) Contaminated soil shall be remediated in accordance with Section 240.891(a)(1) through (4) or, if required to be removed from the site in accordance with subsection (f) of this Section, it-below shall be disposed of in accordance with Section 240.891(a)(5)(b7).

e) If a spill leaves-the-immediate-lease-area-and enters a public road ditch, visible oil-contaminated soil shall be removed from the roadside ditch and it-spread-over-the-area-affected-by-the-spill-and incorporated-in-accordance-with-Section-240-891(c)-of-this-Part.

1) Removed from the site in accordance with Section 240.891(a)(5); or

2) Remediated in accordance with Section 240.891(a)(1) through (4). If-a-spill-enters-surface-waters-the-spill-shall-be-contained-with booms--and/or-underflow-dams-and-removed-as-expeditiously-as-possible. If-it-is-determined-that-burning-the-oil-affected-area-will-prevent further-contamination-of-the-surface-waters-an-emergency-burn-permit shall-be-sought-from-the-IEMA-in-accordance-with-Section-240-891--of this-Part.

f) The In-determining-whether-the Department may will require additional remediation remediat-clean-up action to be taken by the permittee, which may include flushing of the area (e.g., stream banks, etc.) with freshwater, the addition of organic material (e.g., peat moss, straw), chemical treatment, additional disking of the soil or soil and absorbent material removal if the soil and/or absorbent material within the spill area cannot meet the TPH (total petroleum hydrocarbon) standard specified in Section 240.891(a)(1)(C)-7--the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

following---factors---shall-be-taken--into--consideration--based-on information-provided-by-the-permittee-upon-the-Department's-request. 9) The permittee shall be required to submit on request, or within 90 days after the spill occurred, on a form prescribed by the Department, the following information:

- 1) the areal extent of the spill;
- 2) the proximity of surface waters, freshwaters or surface drainage ways;
- 3) the type of soil and current land use; and
- 4) the total-petroleum-hydrocarbon--(TPH) content in the spill area;
- 5) explanation of spill cause; and
- 6) planned efforts to prevent and minimize the effects of future spills.

b) Additional reports are required each 90 days until the spill remediation is completed and approved by the Department.

(Source: Amended at 25 Ill. Reg. 904.5-2-3 effective _____)

Section 240.891 Crude Oil Spill Waste Disposal and Remediation

a) On-Site Remediation of Contaminated Soil

- 1) The soil affected by a spill may shall be remediated in place and shall at a minimum be:
 - A) fertilized with 5 pounds of 12-12-12 fertilizer or an amount of other fertilizer sufficient to treat the soil with 0.25 lbs of nitrogen per 100 square feet of affected area;
 - B) limed with at least 50 lbs of agricultural grade lime per 100 square feet of affected area in order to maintain a pH of between 6-8; if the pH of the soil/oil mixture is less than 6, additional lime shall be incorporated to increase pH above 6;
 - C) tilled to a depth of at least 4 inches but no greater than 12 inches to create a soil and crude oil mixture that contains which-is less than 5% total petroleum hydrocarbon (TPH) following the completion of the initial tilling as determined--using--Environmental--Protection--Agency--Method 418-i;
 - D) watered to maintain soil moisture sufficient to promote plant growth (if extremely dry soil conditions exist); and
 - E) stabilized to minimize erosion and run-off of stormwater.
- 2) Contaminated soils not remediated in place may, with approval from the Department and the landowner, be land spread and remediated in accordance with subsection (a)(1), on land unaffected by the spill, but located on the same lease where the spill occurred.
- 3) If the soil in the affected area is frozen or previously

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

saturated due to rain or snow melt, prohibiting compliance with subsection subsections (a)(1)(A)-through-(B)-above, the permittee shall stabilize the area to prevent any surface run-off from leaving the affected area until conditions permit compliance with subsection subsections (a)(1)(A)-through-(B)-above.

43) The soil affected by the spill may-be-required-to--be--tested--by the--Department--one--year--later--using--Environmental--Protection Agency-Method-418-i--the-soil-and-crude-oil-mixture must contain be less than 1% total-petroleum-hydrocarbon--(TPH) within 12 months after the date of the spill.

5b) Contaminated soils removed from the site for off-site disposal shall be disposed of at an Environmental Protection Agency permitted special waste landfill, waste treatment or disposal facility.

be) Contaminated Absorbent Materials

- 1) Off-site disposal

All non-organic/non-biodegradable absorbent materials and all organic/biodegradable materials in excess of 500 cubic feet shall be disposed of at an Environmental Protection Agency permitted non-hazardous special waste landfill, waste treatment or disposal facility. Organic/biodegradable materials amounting to less than 500 cubic feet may be disposed of at a permitted non-hazardous special waste landfill or disposed of in accordance with subsection (b)(2)(B) below.
- 2) On-site disposal

A) On-site disposal of non-organic/non-biodegradable absorbent materials is prohibited. These materials must be removed in accordance with subsection (a)(5) (b)(1)-(b)(4)-above.

B) On-site disposal of less than 500 cubic feet of organic/biodegradable absorbent materials through landspreading over the area affected by the spill is permitted if it involves only materials generated at the site and is remediated in accordance with subsections (a)(1) through (4).

C) Landspreading of absorbent materials is permitted shall-be subject to the--provisions--of subsection (a)(2) Section 240.990(f)-and-subsection-(e)-of-this-Section.

cd) Emergency Burning

- 1) Open burning of spilled crude oil is permitted when imminent weather conditions threaten to further contaminate surface waters or immediate collection for disposal is impractical.
- 2) Burning shall only be permitted when conditions will not cause the burn to affect nearby residences or the visibility on nearby roads.
- 3) Notice Approval must be given to received--from the Illinois Environmental Protection Agency prior to the emergency burn, and appropriately designated Illinois Department of Natural Resources personnel must be on the scene throughout the burn.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 4) The local fire department or fire protection district shall be notified if the burn is near a town or city.
- 5) A report must be filed with the Department, on a form prescribed by the Department, -- Illinois -- Environmental -- Protection -- Agency within 10 days after the burn, indicating:
- the place and time of the burn;
 - the quantity burned;
 - meteorological conditions; and
 - the reason the emergency burn was necessary.

(Source: Amended at 25 Ill. Reg. 9045.0-2, effective

Section 240.895 Produced Water Spill Remediation Clean-Up Requirements

- a) All spills of produced water that -- which occur after November 8, 1993, from wells, flowlines, pits, concrete storage structures, tanks or containment dikes, shall as soon as practicable be contained using earthen dikes and other containment measures to minimize the amount of area affected by the spill.
- b) All impounded produced water shall be picked up and removed from the site for disposal into a Class II UIC well. The area -- shall -- then -- be immediately flushed with freshwater in an amount equal to the spill.
- c) The affected area shall be limed with at least 50 lbs. of agricultural grade lime per 100 square feet of affected area and tilled to a depth of at least 4 inches.
- d) In determining whether the Department will require additional remedial remediation cleanup action to be taken by the permittee, which may include flushing of the area with freshwater, the addition of organic material (e.g., peat moss, straw), additional chemical treatment, additional and disk the soil, or soil removal, the permittee shall be required to submit within 90 days after the spill date, on a form prescribed by the Department, the following information -- the following factors -- shall -- be -- taken -- into -- consideration -- based -- on -- information provided by the permittee upon the Department's request:
- the quantity and areal extent of the spill;
 - the nature of the soil;
 - the flow capacity of affected surface waters;
 - the public safety; and
 - the proximity of freshwaters, surface waters, and surface drainage features; ways.
 - explanation of spill cause; and
 - planned efforts to prevent and minimize the effects of future spills.
- e) Additional reports are required each 90 days until the spill remediation is completed and approved by the Department.

(Source: Amended at 25 Ill. Reg. 9045.0-2, effective

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: LIQUID OILFIELD WASTE HANDLING AND DISPOSAL AND SPILL RELATED WASTE

Section 240.940 Crude Oil Bottom Sediments

- a) Crude oil bottom sediments removed from tanks, concrete storage structures and pits on a lease or unit may be:
- transported by a permitted liquid oilfield waste hauler to an Illinois Environmental Protection Agency (IEPA) licensed special waste landfill, to an IEPA licensed land off-site treatment facility, to a Class class II injection well for disposal or to a crude oil bottom sediment recycling facility;
 - injected in a well in accordance with Section 240.850(e)(1)(B); or
 - bioremediated Bioremediated on-site through land spreading in accordance with Section 240.891(a)(2) and -- chemical -- treatment -- is allowed under an IEPA waste disposal permit; or
 - Crude -- oil -- bottom -- sediments -- removed -- from -- tanks -- pits -- or -- concrete storage structures on a lease or unit can only be used for road oiling on the lease or unit where the sediments were generated in accordance with Section 240.945. Under the following conditions:
 - The permittee shall apply for and receive a lease road oiling permit for each lease or unit from the Department on a form prescribed by the Department prior to oiling any lease road.
 - Application for a lease road oiling permit shall include:
 - the location of the lease or unit;
 - the permittee's name and address;
 - the method to be used for application of the bottom sediments;
 - a map showing the lease roads to be oiled and the location of any surface waters on or immediately adjacent to the lease or unit; and
 - written consent from the current surface owner or owners allowing the bottom sediment application.
 - Upon approval, crude oil bottom sediment shall be applied to lease roads in such a fashion as to avoid run-off during application onto immediately adjacent land areas. Immediately following completion of the application, all liquids shall be incorporated or otherwise absorbed into the soil with no visible free standing oil.
 - No lease road shall be oiled more than twice yearly.
 - Lease road oiling shall not be conducted when the ground is frozen or during rainy weather and shall not be allowed in areas subject to frequent flooding.
 - Crude oil bottom sediments used for lease road oiling shall not have a produced water content of greater than 10% free water by volume.

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

7) ~~Lease--road-oiling-permits-shall-be-issued-for-each-lease-or-unit and-shall-be-void-for-as-long-as-the-lease-or-unit-is-active-and the-provisions-of-this-Section-are-complied-with-~~

(Source: Amended at 25 Ill. Reg. 9045, effective 3/4/85)

Section 240.945 Lease Road Oiling

- a) Lease road oiling shall not be allowed without receiving a permit from the Department.
- b) The permittee shall apply for and receive a lease road oiling permit for each lease or unit from the Department on a form prescribed by the Department prior to oiling any lease road.
- c) Application for a lease road oiling permit shall include:
 - 1) the location of the lease or unit;
 - 2) the permittee's name and address;
 - 3) the method to be used for application of the bottom sediments;
 - 4) a map showing the lease roads to be oiled and the location of any surface drainage features on or immediately adjacent to the lease or unit; and
 - 5) written consent from the current surface owner or owners allowing the crude oil bottom sediment application.
- d) Upon approval, crude oil bottom sediment shall be applied to lease roads in such a fashion as to avoid run-off during application onto immediately adjacent land areas. Immediately following completion of the application, all liquids shall be incorporated or otherwise absorbed into the soil with no visible freestanding oil.
- e) No lease road shall be oiled more than twice yearly.
- f) Lease road oiling shall not be conducted when the ground is frozen or during precipitation events and is prohibited in areas subject to frequent flooding.
- g) Crude oil bottom sediments used for lease road oiling shall not have a produced water content of greater than 10% free water by volume.
- h) Lease road oiling permits are not transferable and are required for each lease or unit. The permit shall be valid for as long as the lease or unit is active under the current permittee or the surface owner named on the permit does not change.
- i) Lease road oiling material applied without a permit shall be removed from the road and properly disposed of.
- j) Lease road oiling permits are subject to revocation in accordance with Section 240.251.

(Source: Added at 25 Ill. Reg. 9045, effective 3/4/85)

SUBPART K: PLUGGING OF WELLS

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Section 240.1115 Plugging Responsibility

The current permittee or person required to be the permittee is responsible for plugging wells as defined in Sections 240.200, 240.300, 240.1800 and 240.1900 of this Part. In the case of leaking wells, plugging responsibility is in accordance with Sections 240.870 and 240.875 of this Part.

(Source: Added at 25 Ill. Reg. 9045, effective 3/4/85)

Section 240.1130 Plugging and Temporary Abandonment of Inactive Production Wells and Certain Class II UFG Wells

- a) Any idle inactive production well on an active lease or unit that which has not been in operation for 24 consecutive months shall be deemed abandoned, in accordance with Section 240.1600(c) of this Part, and plugged in accordance with Section 240.1140 of this Part unless the well has been approved for temporarily-abandoned-and Future Use status is-approved in accordance with subsection (c) below.
- b) Any idle production well on an inactive lease or unit, where the lease or unit has not been in operation for 24 consecutive months shall be deemed abandoned and not eligible for Future Use status pending a hearing held in accordance with Section 240.1610. Any class II UFG well(s) without tubing and packer shall be plugged in accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned-and-Future-Use-status-is-approved-in-accordance-with subsection (c) below.
- c) The permittee shall apply for may-request Future Use status by making written application on forms provided by the Department. The Department may shall place the well on Future Use temporary abandonment status for an initial 5-year period and issue a Future Use permit Permit, if the well meets the following conditions (which shall be continuing requirements):
 - 1) The well shall have proper bond in effect in accordance with the Act; the permittee must not be delinquent in payment of any annual well fee assessment;
 - A) shall have proper bond in effect in accordance with the Act, if applicable; and
 - B) cannot be the subject of any final administrative decision for abandonment.
 - 2) The well shall have an intact leak free wellhead or be capped with a valve, and configured to monitor casing or annual pressure.
 - 3) If the well is an injection well as defined in subsection (b) of this Section, all injection lines shall be disconnected at the well.
 - 34) If the well is a permitted gas well and the well has a sustained gas pressure at the surface, the requirements of subsections

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(c)(5) and (6)(f) and (7) below do not apply.

45) The wellhead shall be above ground level.

56) The fluid level is no higher than 100 feet below the base of the freshwater as evidenced by an annual fluid level test conducted by the permittee after notice to and under the supervision of the Department, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct an annual fluid level test without the presence of a well inspector, the permittee shall report the annual fluid level test on a form prescribed by the Department. The fluid level test shall be conducted annually during the initial 5-year period of temporary abandonment unless the permittee elects to satisfy the requirements of subsection (c)(6)(A) or (B) (c)(7)(f) or (f) below.

67) If the fluid level, as tested, is higher than 100 feet below the base of the freshwater, the permittee, under the supervision of the Department, shall:

A) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the freshwater, remove any fluid to a level at least 100 feet below the base of the freshwater zone, and monitor the fluid level annually in accordance with subsection (c)(5) (f)(f) above; or

B) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the freshwater, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes, or

C) install tubing and set a packer in accordance with the requirements of Section 240-740, and conduct and pass an internal mechanical integrity test in accordance with Section 240-760 of this Part.

d) If a Future Use request is denied for a well within the initial 5-year Future Use status period, the permittee shall, within 90 days, plug the well or correct the deficiency that caused the denial and secure an approved Future Use Permit.

e) Future Use status shall not be extended beyond an initial 5-year cumulative period of time over the life of a Glass-If-UGG well. At the end of the 5-year cumulative period the well shall be plugged in accordance with Subpart K of this Part, successfully tested in accordance with Section 240-760 of this Part, or converted to a production well by removing the tubing and packer and permitting the well in accordance with subsection (b) of this Section. If the Glass If Well is part of a gas storage field, the well may be converted to an observation well and permitted in accordance with Subpart R of this Part.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

f) A Glass-If-Well during the initial 5-year Future Use status period may not be converted to a water supply or observation well prior to performing a successful mechanical integrity pressure test in accordance with Section 240-760(f).

g) Glass-If-Well in Future Use status for less than 5 years as specified in subsection (c) of this Section shall not be reactivated until tubing and packer is set and an internal mechanical integrity test is passed in accordance with Section 240-760 of this Part.

h) Future Use status for production wells shall not be terminated until the well is active for a period of one year and a Future Use termination request is approved by the Department. Future Use termination requests shall be on a form prescribed by the Department and shall be accompanied by evidence of the sale of oil or natural gas during the preceding 12 month period.

i) After the expiration of the initial 5-year period, the permittee of wells on Future Use status which are located in a producing unit or on a producing lease will be granted annually upon request, an annual extension of Future Use status provided the wells remain in compliance with subsection (c) of this Section and the lease or unit on which the wells are located remains active in production. Future Use status for production and observation wells shall be granted for an initial 5-year period. After the expiration of the initial 5-year period, the permittee of wells on Future Use status on a non-producing lease or unit shall be denied an extension of Future Use status and the wells shall be plugged within 6 months from the date of the denial unless Future Use status is requested in accordance with Section 240-1131 of this Part, within 60 days. The person or permittee's failure to request Future Use extension in accordance with Section 240-1131 of this Part shall constitute a waiver of all legal rights to contest the Future Use request denial decision which shall become a final administrative decision pursuant to Section 10 of the Act.

(Source: Amended at 25 Ill. Reg. 904509 effective _____)

Section 240.1131 Extension of Future Use Status for Production Wells (Repealed)

a) The permittee of wells on Future Use status and other inactive producing or injection wells that are required to be in Future Use status in accordance with Section 240-1130(a) of this Part and are located on the same non-producing unit or lease shall petition the Department for Future Use extension within 60 days after denial of a Future Use request following the expiration of the initial 5-year period.

b) The petition for Future Use extension shall contain:
i) Cumulative production from the well on Future Use status for the unit or lease where the Future Use status well and other

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) non-producing wells are located;
 2) Production records for the past 5 years for all wells on the unit or lease;
 3) Estimated remaining reserves with supporting documentation and a description of the reservoir geology underlying the unit or lease; and
 4) Future plans for all wells on the unit or lease.
- c) Upon receipt of the petition, the Department shall review the documentation to determine the status of the other inactive wells on the non-producing unit or lease, which shall be subject to all future use extension requirements, and schedule a hearing.
- d) All hearings under Subpart N of this Part shall be conducted by a non-Departmental hearing officer and shall be held in the Department's offices located in Springfield, Illinois.
- e) A pre-hearing conference may be held after the receipt of the request for hearing:
- 1) A pre-hearing conference shall be scheduled in order to:
 - A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
 - D) Set a hearing date; and
 - E) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.
 - 2) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
- f) At the future use extension hearing, the permittee shall present evidence in support of the future use status extension request. The Department may ask questions or request additional information from the permittee during the hearing. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of materials, compel discovery and take evidence.
- g) Within 30 days after the close of the record for the future use extension hearing, the hearing officer shall issue a final administrative decision pursuant to Section 10 of the Act.
- h) If future use status is approved, all other inactive wells on the non-producing unit or lease shall be placed in the same status as the well for which the future use status extension was approved.
- i) Wells not approved for extension of future use status and all other inactive wells located on the same non-producing unit or lease as specified in subsection (a) of this Section shall be plugged within 6 months from the date of the Department's final administrative decision.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 25 Ill. Reg. 9045, effective 11/1/00.)

Section 240.1132 Plugging and Temporary Abandonment of Inactive Class II UIC Wells

- a) Any Class II UIC well located on an active lease, equipped with tubing and packer and which has previously established mechanical integrity in accordance with Section 240.760, shall maintain mechanical integrity in accordance with Section 240.760 of this Part or shall be plugged in accordance with Section 240.1140 of this Part unless the well has been approved for future use status in accordance with subsection (e).
- b) Any inactive Class II UIC well located on an inactive lease, when the lease has not been in operation for 24 consecutive months, shall be deemed abandoned and not eligible for future use status pending a hearing held in accordance with Section 240.11610.
- c) Any inactive Class II UIC well located on an active lease, without tubing and packer, and which has previously established mechanical integrity in accordance with Section 240.760, shall be plugged in accordance with Section 240.1140 of this Part unless the well is approved for future use status in accordance with subsection (e).
- d) Any inactive Class II UIC well located on an active lease, equipped with tubing and packer or without tubing and packer, and that has not previously established mechanical integrity in accordance with Section 240.760, shall be plugged in accordance with Section 240.1140 unless the well is approved for future use status in accordance with subsections (e)(1), (2) and (3) and establishes mechanical integrity as follows:
- 1) a cast iron plug shall be set within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the freshwater, and the casing shall be pressure tested by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes; or
 - 2) install tubing and a packer and conduct a passing internal mechanical integrity test in accordance with Section 240.760 of this Part.
- e) The permittee shall apply for future use status by making written application on forms provided by the Department. The Department shall place the well on future use status and issue a future use permit if the well meets the following conditions (which shall be continuing requirements):
- 1) The well shall:
 - A) have proper bond in effect in accordance with the Act if applicable; and
 - B) not be the subject of any final administrative decision for abandonment.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) The well shall have an intact, leak free wellhead or be capped with a valve, be configured to monitor casing or annular pressure, and have injection lines disconnected.
- 3) The wellhead shall be above ground level.
- 4) The fluid level is no higher than 100 feet below the base of the freshwater and evidenced by an annual fluid level test conducted by the permittee after notice to and under the supervision of the Department, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct an annual fluid level test without the presence of a well inspector, the permittee shall report the annual fluid level test on a form prescribed by the Department. The fluid level test shall be conducted annually.
- 5) If the fluid level, as tested, is higher than 100 feet below the base of the freshwater, the permittee, under supervision of the Department shall:
- A) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the freshwater, remove any fluid to a level at least 100 feet below the base of the freshwater zone, and monitor the fluid level annually; or
- B) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the freshwater, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes.

(Source: Added at 25 Ill. Reg. 9045-2, effective _____)

SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section 240.1440 Responsibilities of New Permittee or Proposed New Permittee

Prior to the Department effecting the transfer, the new permittee or proposed new permittee shall:

- a) pay the required non-refundable transfer fee as follows: A fee of \$15 per well shall be paid by the new owner for each transfer of well ownership, except that when multiple wells are acquired and transferred as a part of the same transaction, the fee shall be calculated at the rate of \$15 per well for the first 50 wells, and \$10 for each additional well in excess of 50 wells [225 ILCS 725/14];
- b) provide the required bond, if applicable, in accordance with Subpart O;
- c) if a corporation, provide evidence that the corporation is incorporated or authorized to do business in the State of Illinois,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- d) and authorized under its charter to engage in the permitted activity; if an individual, partnership, or other unincorporated entity that is not a resident of Illinois, provide an irrevocable consent to be sued in Illinois;
- e) if issued, submit an FEIN number;
- f) submit to the Department a copy of the instrument conveying the right to drill and produce. The document shall consist of:
- 1) a lease assignment properly recorded in the county where the lease is located; or
 - 2) a voluntary release executed by the lessee and properly recorded in the county where the lease is located or a court order involuntarily terminating a lease; or
 - 3) any other document evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well(s) on the land in question;
- g) if the transfer request is for a PRF well, the new permittee or proposed new permittee shall comply with Section 240.1465 240-1465 of this Part.

(Source: Amended at 25 Ill. Reg. 9045-2, effective _____)

SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section 240.1600 Definitions

The following definitions are applicable to this Subpart:

"Abandoned Well" means:

A well:

for which the underlying lease has been released in writing by the lessee or has been declared forfeited or invalid by a court order, such order is final and the appeal period has lapsed; and

the lessor states in writing that the lessor has not leased out the oil and gas working interest to any other person and does not intend to so lease, that the lessor does not intend to operate the well, and that the lessor desires that the well be plugged; or

A well owned by a permittee who has made no payment by November 1 of a current annual well fee assessment; or

A well for which a bond was forfeited in accordance with Section 6 of the Illinois Oil and Gas Act;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

A well that has not produced for over 2 years¹⁷

A well for which the permit has been revoked in accordance with Section 240.251 of this Part; or

A well that has been plugged but not restored in accordance with Section 240.1170 of this Part.

"Emergency Remediation Clean-up Project" means an emergency crude oil production facility or crude oil or saltwater spill remediation clean-up or remediation of conditions endangering public health or safety or contaminating surface waters or groundwater, or the surface of the land.

"Emergency Repair Work" means work to repair or contain leaks of produced fluids from production equipment, pits, or other containment structures that are contaminating surface waters or groundwaters or are flowing in sufficient quantity to create an increasing area of contamination on the surface of the land.

"Emergency Well Plugging" means the plugging and abandonment of a well or wells that are actively flowing oil or saltwater and are contaminating surface waters or groundwaters or flowing in sufficient quantity to create an increasing area of contamination on the surface of the land, or a well leaking natural gas or hydrogen sulfide gas in sufficient quantity to endanger public safety or create a fire hazard or a non-leaking well which poses an imminent danger to public safety.

"PRF" means the Department's Plugging and Restoration Fund, established under Section 6 of the Illinois Oil and Gas Act. Monies from this fund shall be spent in accordance with 44 Ill. Adm. Code 610.

"Well Site Equipment" means the equipment, including but not limited to an associated tank battery and production facility equipment, hydrocarbons from the well that are stored in tanks located on the lease, and hydrocarbons recovered during the plugging operation, that may be sold at a public action or a public or private sale. All well site equipment and hydrocarbons acquired by a person by sale shall be acquired under clear title, subject to any perfected prior legal or equitable claims. (Section 19.6 of the Oil and Gas Act)

(Source: Amended at 25 Ill. Reg. 9045, effective

Section 240.1610 Plugging Leaking or Abandoned Wells

a) If the Department finds, upon inspection, that a well drilled for the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

exploration, development, storage or production of oil or gas, or for injection, saltwater disposal, saltwater source, observation, and geological or structure test, may be abandoned or leaking saltwater, oil, gas or other deleterious substances into any freshwater formation or onto the surface of the land, the Department may schedule a hearing pursuant to Section 19.1 of the Act to order the well plugged if abandoned or repaired or plugged if leaking.

b) Hearings

1) Notice of Hearing

Whenever the Department holds a hearing pursuant to Section 19.1 of the Act, the Department shall give written notice to the permittee and surface-owner personally or by certified mail sent to the permittee's last known address. The notice shall include the date, time, place, nature of the hearing and the name and address of the hearing officer. The notice shall be mailed at least 14 days prior to the scheduled hearing date.

2)

A) Right to Counsel

Any party may appear and be heard through an attorney at law authorized to practice in the State of Illinois.

B) Appearance of Attorney

An attorney appearing in a representative capacity in any proceeding hereunder shall file a written notice of appearance identifying his or her name, address and telephone number, and identifying the party represented.

3)

Burden and Standard of Proof

The Department shall have the burden of proof at the hearing. The standard for decision shall be a preponderance of the evidence.

4)

Hearing Officer; Powers and Duties

A) The Hearing Officer designated to preside over a hearing shall take all necessary action to avoid delay, to maintain order, and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing, including the following:

i) To administer oaths and affirmations;

ii) To receive relevant evidence;

iii) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

iv) To consider and rule upon procedural requests;

v) To hold conferences for the settlement or simplification of the issues; and

vi) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify.

B) The Hearing Officer shall allow all parties to present

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

statements, testimony, evidence and argument as may be relevant to the proceeding.

- 5) Hearing Location
All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois. However, the Department may conduct a hearing under this Subpart at a site located closer than Springfield, Illinois, to the production and injection/disposal well identified in the Notice of Hearing if facilities are available and satisfactory to the Department.

6) Pre-Hearing Conferences

A) Upon the motion of either party, the Hearing Officer shall schedule a conference in order to:

- i) Simplify the factual and legal issues presented by the hearing request;
- ii) Receive stipulations, admissions of fact and of the contents and authenticity of documents;
- iii) Exchange lists of all witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
- iv) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion of the hearing thereof.

B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all of the parties.

7) Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Hearing Officer or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuance so that the subject matter of the hearing may be resolved expeditiously.

8) Default

If a party, after proper service of notice, fails to appear at a pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed and make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to emergency situation beyond the party's control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to subsection (b)(7) above. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

situations beyond the party's control.

- 9) Within 30 days after the close of the hearing record, the Hearing Officer shall issue proposed findings of fact, conclusions of law and recommendations as to the disposition of the case.
- 10) The Director shall review the administrative record in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

c) Upon the issuance of a final administrative decision that which finds that a well has been abandoned or is leaking saltwater, oil, gas or other deleterious substances into any freshwater formation or onto the surface of the land, the permittee shall, within 30 days, properly plug, replug or repair the well so as to remedy the situation.

d) If the permittee fails to remedy the situation within 30 days from the date of the order, the well shall be placed in the PRF Program.

e) The Department may authorize any person to enter upon the land and plug, replug, or repair the well and restore the well site. The Department may dispose of all well site equipment and hydrocarbons in accordance with Section 19.6 of the Illinois Oil and Gas Act as follows: public sale, auction, private sale, or by assignment or quit claim deed to a third party to offset plugging costs.

f) Proceeds from any public sale, auction or private sale shall be deposited into the Plugging and Restoration Fund in accordance with Section 6(19) of the Illinois Oil and Gas Act or used to offset plugging costs.

g) The cost of all work completed under this Section shall be paid from the Annual Well Fee portion of the Plugging and Restoration Fund.

(Source: Amended at 25 Ill. Reg. 9045, effective _____)

Section 240.1625 Plugging Abandoned Wells Through Landowner Grant

a) The provisions of this Section apply to:

- 1) Wells determined to be abandoned in accordance with this Subpart P and placed into the Department Plugging and Restoration Program pursuant to a final administrative decision of the Department.
- 2) Abandoned wells and associated well and/or production sites may be eligible to be plugged and sites restored under the Landowner Grant Program upon application to the Department by the owner of the land surface on which a well(s) is located, provided that the land surface owner is not the current or a past permittee of the well(s).

b) All wells plugged and well sites restored under this Section shall be completed in accordance with Subpart K.

c) The number of wells plugged and expenditures made under this program

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

are limited to the annual appropriation of funds to the Landowner Grant Program by the legislature.

d) Each land surface owner is limited to receiving a grant amount for a maximum of 5 wells per fiscal year, unless available funds allow the Department to award increased grant amounts.

e) ~~During the first year of the program grant applications shall only be accepted after December 22, 1997 and be processed in the order they are received until the appropriated funds have been allotted.~~

ef) ~~The following the first year of the program the Department shall only accept and process grant applications after April 1 for the coming fiscal year. Applications received before April 1 for the coming fiscal year shall be returned to the applicant for submission after April 1. Applications shall be accepted and processed until the allocated funds in the grant program have been awarded, after which time all unawarded grant applications shall be returned to the applicant.~~

fg) Approved applications shall be considered for funding each year in the order they were received after April 1. The exception will be if the Department determines a well is creating or has the potential to create environmental damage to surface waters or groundwater or poses an immediate danger to the health and safety of the public, the well may be given greater priority on the current year's plugging list.

gh) Grant applications shall contain at a minimum:

- 1) The land surface owner's name, address and telephone number.
- 2) The location of the well(s), with verification from the Department well inspectors.
- 3) An estimated salvage value of the well and well site equipment.
- 4) The cost to plug the well and restore the well site.
- 5) A signed contract between the land surface owner and plugging contractor on a form provided by the Department.
- 6) A signed statement by the land surface owner that the applicant is the owner of the land surface, will be responsible for all costs of plugging the well and well site restoration in accordance with Department regulations, and indemnifies the Department from any liability relative to the plugging activity.

hi) Application Review and Approval

- 1) In determining the approval of the application the Department shall review:
 - A) eligibility of the well to be plugged;
 - B) the reasonableness of the cost to plug the well;
 - C) the salvage value of the on-site equipment; and
 - D) the enforcement history of the proposed plugging contractor.
- 2) If the Department determines that the well is eligible for plugging, the application is properly completed, the plugging cost and estimated salvage value are reasonable in relation to industry standards, and the plugging contractor has no unabated notices of violation or a substantial enforcement history of environmental related violations, the Department shall notify the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Landowner of the grant award.

ij) Grant Award

- 1) The grant amount shall be the amount requested less the salvage value specified in the grant application or established by the Department during the grant review process.
- 2) The land surface owner shall be notified of the grant award at which time the applicant shall have 10 working days to accept in writing by signing and returning the grant award document.
- 3) Upon completion of the well plugging and site restoration, approved by a well inspector, the Department shall forward the grant funds to the land surface owner. If the well plugging and site restoration is not approved, grant funds will not be awarded.
- 4) All well plugging and well site restoration activities shall be commenced within 120 days and shall be completed within 180 days after Department approval of the grant by June 30 of the fiscal year in which the grant was approved unless the grant funds are automatically re-appropriated for the next fiscal year.

(Source: Amended at 25 Ill. Reg. ~~3045~~ effective ~~3045~~)

Section 240.1630 Emergency Well Plugging, Emergency Repair Work, Emergency Projects

- a) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act, this Part or any permit condition, and this practice, condition or violation creates an imminent danger to the health or safety of the public or an imminent danger of significant environmental harm or order pursuant to Section 240.186 240-170 of this Part to the last known permittee of record or the permittee responsible for the condition in accordance with Sections 240.870 and 240.875 of this Part. If the responsible party cannot be readily located or refuses to abate the violation after written notification or is no longer in existence, the Department is not required to issue a cessation order and may take any action deemed necessary to correct the condition.
- b) Upon the expiration of time within which abatement was required under the cessation order, if issued, the Department may take any action, including well and facility repair, well plugging, well site restoration, facility remediation clean-up, or emergency remediation clean-up, deemed necessary to cause a cessation of the danger to the public health and safety or environmental harm and abatement of any condition.
- c) The cost of all emergency well plugging, emergency repair work and emergency remediation clean-up projects completed under this Section shall be paid from the Annual Well Fee portion of the Plugging and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Restoration Fund. Permittees or responsible parties for which funds were expended under this Section shall be required to reimburse the Plugging and Restoration Fund for all the expenditures.

(Source: Amended at 25 Ill. Reg. 3045-5, effective _____)

Section 240.1640 Repayment of Funds

- a) The permittee must reimburse the Plugging and Restoration Fund for all funds obligated from the Plugging and Restoration Fund, excepting OPA reimbursed monies, for repair, plugging, restoration or remediation clean-up work on the permittee's wells or sites, together with all interest accrued, as provided under Section 19.9 of the Act.
- b) Prior to repayment of all expended funds, the permittee shall not operate any other existing wells in the permittee's name.
- c) If funds were expended to plug wells, After repayment of all funds, the permittee shall be required to post a bond in accordance with Section 240.1500(a)(1)(E) and (a)(2) for a period of 2 consecutive billing cycles in accordance with Section 240.1500(a)(3)(C) prior to permitting or operating any wells.
- d) If funds were expended to repair a well or production facility, restore a well site or perform remediation resulting from a leak or spill, the permittee shall have 90 days from the date of demand for reimbursement of the expended funds. If reimbursement is not received within 90 days, the permittee shall be required to post a bond in accordance with Section 240.1500(a)(1)(E) and (a)(2) for a period of 2 consecutive billing cycles in accordance with Section 240.1500(a)(3)(C) prior to permitting or operating any wells.

(Source: Amended at 25 Ill. Reg. 3045-3, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 721
- 3) Section numbers:
721.132 Amended action:
721.138 Amended
APPENDIX G Amended
APPENDIX H Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: July 9, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. None of the segments of 35 Ill. Adm. Code 721 under amendment in this proceeding include incorporations by reference.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 17, 2001, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: 25 Ill. Reg. 3434, March 9, 2001
- 10) Has JCAR issued a Statement of Objection to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated May 17, 2001, in consolidated docket R01-21/R01-23, and the adopted amendments to Part 721. Many of the differences are explained in greater detail in the Board's opinion and order of May 17, 2001, in consolidated docket R01-21/R01-23, adopting the amendments.

Section Revised	Source(s)	Revision(s)
	of	
	Revision(s)	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 721.Appendix H Agency Corrected the spelling of "octachlorodibenzofuran"
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 17, 2001 in consolidated docket R01-21/R01-23, which opinion and order is available from the address below. The consolidated R01-21/R01-23 proceeding updates the Board's UIC and RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the period July 1, 2000, through December 31, 2000.

This proceeding updates the Illinois UIC and RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the update period of July 1, 2000, through December 31, 2000. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 738 that appears elsewhere in this issue of the *Illinois Register*. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 721 are a single segment.

Specifically, the amendments to Part 721 implement segments of the federal July 10, 2000, corrections to the hazardous waste combustor rule and hazardous waste combustor NESHAPS and the November 8, 2000, hazardous waste listings and LDRLs for chlorinated aliphatics production hazards.

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim text of the federal amendments. The second table contains corrections and clarifications that the Board made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board's opinion of May 17, 2001, in consolidated docket R01-21/R01-23. Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Table 1:
Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R.	Section Revision(s)
721.132 "K174"	261.32	Changed the roman numeral designations for sub-segments of the listing to Arabic numerals; moved the extended prepositional phrase "upon . . . ethylene dichloride" to the beginning of the sentence, offset by a comma as a parenthetical; changed to the singular "the respondent . . . it meets"; moved the restrictive relative clause "that . . . were met" to immediately follow the word "documentation" to which it relates; changed "owner/operator" to "owner or operator"
721.Appendix G	"K174" 40 CFR 261, Appendix VII	Changed all words except the first chemical name and the abbreviated names to lower-case; placed automatic hyphens in appropriate places in the long chemical names; removed the parentheses from chemical names and placed all abbreviated names in parentheses (seven times)
721.Appendix H	40 CFR 261, Appendix VIII	Added automatic hyphenation to the chemical names "octachlorodibenzo-p-dioxin" and "octachlorodibenzofuran"; corrected the spelling of "octachlorodibenzofuran"

Table 2:
Board Housekeeping Amendments

Section	Source	Revision(s)
721.138(c)(1)(A)(ii)	Board	Changed "shall" to "must"
721.138(c)(2)	Board	Changed "shall" to "must"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

721.138(c)(6)	Board	Changed "shall" to "must"
721.138(c)(7)	Board	Changed "shall" to "must" (three times)
721.138(c)(7)(B)(vi)	Board	Changed "which" to "that" for a restrictive relative clause
721.138(c)(7)(C)	Board	Changed "shall" to "must"
721.138(c)(8)(E)	Board	Changed "shall" to "must"
721.138(c)(8)(H)	Board	Changed "shall" to "must"
721.138(c)(8)(I)	Board	Changed "shall" to "must"
721.138(c)(11)	Board	Changed "shall" to "must"

16) Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated Docket R01-21/R01-23 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601
312-814-6924

Request copies of the Board's opinion and order of May 17, 2001 from Linda Webster, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721
IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Purpose and Scope
721.101	Definition of Solid Waste
721.102	Definition of Hazardous Waste
721.103	Exclusions
721.104	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.105	Requirements for Recyclable Materials
721.106	Residues of Hazardous Waste in Empty Containers
721.107	PCB Wastes Regulated under TSCA
721.108	Requirements for Universal Waste
721.109	

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

721.110	Criteria for Identifying the Characteristics of Hazardous Waste
721.111	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General
721.120	Characteristic of Ignitability
721.121	Characteristic of Corrosivity
721.122	Characteristic of Reactivity
721.123	Toxicity Characteristic
721.124	

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	General
721.130	Hazardous Wastes from Nonspecific Sources
721.131	Hazardous Waste from Specific Sources
721.132	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
721.133	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

721.135	Wood Preserving Wastes
721.138	Comparable or Syngas Fuel Exclusion
APPENDIX A	Representative Sampling Methods
APPENDIX B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
APPENDIX C	Chemical Analysis Test Methods
TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
APPENDIX G	Basis for Listing Hazardous Wastes
APPENDIX H	Hazardous Constituents
APPENDIX I	Wastes Excluded by Administrative Action
TABLE A	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources
TABLE B	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources
TABLE C	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
TABLE D	Wastes Excluded by the Board by Adjusted Standard
APPENDIX J	Method of Analysis for Chlorinated Dibenzop-Dioxins and Dibenzofurans (Repealed)
APPENDIX Y	Table to Section 721.138
APPENDIX Z	Table to Section 721.102

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R87-32 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 13003, effective September 30, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January November 12, 1987; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective 1/11/01.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and words are used in place of the Greek symbols for alpha, beta, etc.

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I of this Part.

USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.	(T)
Inorganic Pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
Organic Chemicals:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- K114 Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via hydrogenation of toluenediamine. (T)
- K117 Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. (T)
- K118 Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
- K136 Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
- K156 Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)
- K157 Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)
- K158 Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)
- K159 Organics from the treatment of thiocarbamate wastes. (T)
- K161 Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.) (R,T)
- K174 Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (1) they are disposed of in a subtitle C or non-hazardous landfill licensed

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- or permitted by the state or federal government; (2) they are not otherwise placed on the land prior to final disposal; and (3) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Upon a showing by the government that a respondent in any enforcement action brought to enforce the requirements of Subtitle C of this Part managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, the respondent must demonstrate that it meets the conditions of the exclusion that are set forth above. In doing so, the respondent must provide appropriate documentation that the terms of the exclusion were met (e.g., contracts between the generator and the landfill owner or operator, invoices documenting delivery of waste to landfill, etc.). (T)
- K175 Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)
- Inorganic Chemicals:
- K071 Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)
- K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)
- K106 Wastewater treatment sludge from the mercury cell process in chlorine production. (T)
- Pesticides:
- K031 By-product salts generated in the production of MSMA and cacodylic acid. (T)
- K032 Wastewater treatment sludge from the production of chlordane. (T)
- K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (T)
- K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (T)
- K097 Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K035	Wastewater treatment sludges generated in the production of cresote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives:		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (lead) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I,T)
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I,T)
Iron and Steel:		
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)
Primary Aluminum:		
K088	Spent potliners from primary aluminum reduction.	(T)
Secondary Lead:		
K069	Emission control dust/sludge from secondary lead smelting.	(T)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.

Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.

Veterinary Pharmaceuticals:

- K100 (T)
- K084 (T) Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
- K101 (T) Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
- K102 (T) Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Ink Formulation:

- K086 (T) Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead.

Coking:

- K060 (T) Ammonia still lime sludge from coking operations.
- K087 (T) Decanter tank tar sludge from coking operations.
- K141 (T) Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).
- K142 (T) Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.
- K143 (T) Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- K144 (T) Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.
- K145 (T) Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.
- K147 (T) Tar storage tank residues from coal tar refining.
- K148 (T) Residues from coal tar distillation, including but not limited to, still bottoms.
- K149 (T) Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)
- K150 (T) Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.
- K151 (T) Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

(Source: Amended at 25 Ill. Reg. 9108-2, effective 1/1/74)

Section 721.138 Comparable or Syngas Fuel Exclusion

Wastes that meet the following comparable or syngas fuel requirements are not solid wastes:

- a) Comparable fuel specifications.
 - 1) Physical specifications.
 - A) Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).
 - B) Viscosity. The viscosity must not exceed 50 cs, as-fired.
 - 2) Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set forth in the table at subsection (d) of this Section.
- b) Synthesis gas fuel specification. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) It must have a minimum Btu value of 100 Btu/Scf;
- 2) It must contain less than 1 ppmv of total halogen;
- 3) It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);
- 4) It must contain less than 200 ppmv of hydrogen sulfide; and
- 5) It must contain less than 1 ppmv of each hazardous constituent in the target list of Appendix H constituents.

c) Implementation. Waste that meets the comparable or syngas fuel specifications provided by subsection (a) or (b) of this Section (these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in subsection (c)(3) or (c)(4) of this Section) is excluded from the definition of solid waste provided that the following requirements are met:

1) Notices. For purposes of this Section, the person claiming and qualifying for the exclusion is called the comparable or syngas fuel generator and the person burning the comparable or syngas fuel is called the comparable or syngas burner. The person that generates the comparable fuel or syngas fuel must claim and certify to the exclusion.

A) Notice to the Agency.

i) The generator must submit a one-time notice to the Agency, certifying compliance with the conditions of the exclusion and providing documentation as required by subsection (c)(1)(A)(iii) of this Section;

ii) If the generator is a company that generates comparable or syngas fuel at more than one facility, the generator must shall specify at which sites the comparable or syngas fuel will be generated;

iii) A comparable or syngas fuel generator's notification to the Agency must contain the items listed in subsection (c)(1)(C) of this Section.

B) Public notice. Prior to burning an excluded comparable or syngas fuel, the burner must publish in a major newspaper of general circulation, local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Comparable or Syngas Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:

- i) The name, address, and USEPA identification number of the generating facility;
- ii) The name and address of the units that will burn the comparable or syngas fuel;
- iii) A brief, general description of the manufacturing, treatment, or other process generating the comparable or syngas fuel;
- iv) An estimate of the average and maximum monthly and annual quantity of the waste claimed to be excluded;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and

- v) The name and mailing address of the Agency office to which the claim was submitted.

C) Required content of comparable or syngas notification to the Agency.

- i) The name, address, and USEPA identification number of the person or facility claiming the exclusion;
- ii) The applicable USEPA hazardous waste codes for the hazardous waste;
- iii) The name and address of the units that meet the requirements of subsection (c)(2) of this Section that will burn the comparable or syngas fuel; and
- iv) The following statement, signed and submitted by the person claiming the exclusion or its authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code 721.138(c)(10) are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Subsections (c)(1)(C)(i) through (c)(1)(C)(iv) are derived from 40 CFR 261.138(c)(1)(i)(C)(1) and (c)(1)(i)(C)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 2) Burning. The comparable or syngas fuel exclusion for fuels that meet the requirements of subsections (a) or (b) and (c)(1) of this Section applies only if the fuel is burned in the following units that also must shall be subject to federal, State, and local air emission requirements, including all applicable federal Clean Air Act (CAA) maximum achievable control technology (MACT) requirements:

- A) Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;
- B) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:
 - i) Industrial boilers located on the site of a facility

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

- ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;

- C) Hazardous waste incinerators subject to regulation under 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or applicable CAA MACT standards.

- D) Gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

- 3) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification must fulfill the following requirements:

- A) As generated and prior to any blending, manipulation, or processing, the waste must meet the constituent and heating value specifications of subsections (a)(1)(A) and (a)(2) of this Section;

- B) The waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and

- C) The waste must not violate the dilution prohibition of subsection (c)(6) of this Section.

- 4) Treatment to meet the comparable fuel exclusion specifications.

- A) A hazardous waste may be treated to meet the exclusion specifications of subsections (a)(1) and (a)(2) of this Section provided the treatment fulfills the following requirements:

- i) The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;

- ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and

- iii) The treatment does not violate the dilution prohibition of subsection (c)(6) of this Section.

- B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.

- 5) Generation of a syngas fuel.

- A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (b) of this Section provided the processing fulfills the following requirements:

- i) The processing destroys or removes the constituent listed in the specification or raises the heating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

value by removing or destroying constituents or materials;

- ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134 or is an exempt recycling unit pursuant to Section 721.106(c); and

- iii) The processing does not violate the dilution prohibition of subsection (c)(6) of this Section.

- B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.

- 6) Dilution prohibition for comparable and syngas fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must ~~shall~~ in any way dilute a hazardous waste to meet the exclusion specifications of subsection (a)(1)(A), (a)(2) or (b) of this Section.

- 7) Waste analysis plans. The generator of a comparable or syngas fuel must ~~shall~~ develop and follow a written waste analysis plan that describes the procedures for sampling and analysis of the hazardous waste to be excluded. The waste analysis plan must ~~shall~~ be developed in accordance with the applicable sections of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846). The plan must ~~shall~~ be followed and retained at the facility excluding the waste.

- A) At a minimum, the plan must specify the following:

- i) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of those parameters;

- ii) The test methods that will be used to test for these parameters;

- iii) The sampling method that will be used to obtain a representative sample of the waste to be analyzed;

- iv) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and

- v) If process knowledge is used in the waste determination, any information prepared by the generator in making such determination.

- B) The waste analysis plan must also contain records of the following:

- i) The dates and times waste samples were obtained, and the dates the samples were analyzed;

- ii) The names and qualifications of the persons who obtained the samples;

- iii) A description of the temporal and spatial locations of the samples;

- iv) The name and address of the laboratory facility at

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- which analyses of the samples were performed;
- v) A description of the analytical methods used, including any clean-up and sample preparation methods;
 - vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that which occurred;
 - vii) All laboratory results demonstrating that the exclusion specifications have been met for the waste; and
 - viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request.
- C) Syngas fuel generators must submit for approval, prior to performing sampling, analysis, or any management of a syngas fuel as an excluded waste, a waste analysis plan containing the elements of subsection (c)(7)(A) of this Section to the Agency. The approval of waste analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the waste analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.
- 8) Comparable fuel sampling and analysis.
- A) General. For each waste for which an exclusion is claimed, the generator of the hazardous waste must test for all the constituents on Appendix H of this Part, except those that the generator determines, based on testing or knowledge, should not be present in the waste. The generator is required to document the basis of each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents should not be present:
 - i) A constituent that triggered the toxicity characteristic for the waste constituents that were the basis of the listing of the waste stream, or constituents for which there is a treatment standard for the waste code in 35 Ill. Adm. Code 728.140;
 - ii) A constituent detected in previous analysis of the waste;
 - iii) Constituents introduced into the process that

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- iv) generates the waste; or
 - Constituents that are byproducts or side reactions to the process that generates the waste.
- B) For each waste for which the exclusion is claimed where the generator of the comparable or syngas fuel is not the original generator of the hazardous waste, the generator of the comparable or syngas fuel may not use process knowledge pursuant to subsection (c)(8)(A) of this Section and must test to determine that all of the constituent specifications of subsections (a)(2) and (b) of this Section have been met.
- C) The comparable or syngas fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the waste. For the waste to be eligible for exclusion, a generator must demonstrate the following:
- i) That each constituent of concern is not present in the waste above the specification level at the 95 percent upper confidence limit around the mean; and
 - ii) That the analysis could have detected the presence of the constituent at or below the specification level at the 95 percent upper confidence limit around the mean.
- D) Nothing in this subsection (c)(8) preempts, overrides or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person which generates a solid waste to determine if that waste is a hazardous waste.
- E) In an enforcement action, the burden of proof to establish conformance with the exclusion specification must ~~shall~~ be on the generator claiming the exclusion.
- F) The generator must conduct sampling and analysis in accordance with its waste analysis plan developed under subsection (c)(7) of this Section.
- G) Syngas fuel and comparable fuel that has not been blended in order to meet the kinematic viscosity specifications must be analyzed as generated.
- H) If a comparable fuel is blended in order to meet the kinematic viscosity specifications, the generator must ~~shall~~ undertake the following actions:
 - i) Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and
 - ii) After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable or syngas fuel specifications.
- I) Excluded comparable or syngas fuel must be retested, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties of the waste.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Note to subsection (c)(8): Any claim under this Section must be valid and accurate for all hazardous constituents; a determination not to test for hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.

- 9) Speculative accumulation. Any persons handling a comparable or syngas fuel are subject to the speculative accumulation test under Section 721.102(c)(4).

- 10) Records. The generator must maintain records of the following information on-site:

- A) All information required to be submitted to the implementing authority as part of the notification of the claim:
 - i) The owner or operator name, address, and RCRA facility USEPA identification number of the person claiming the exclusion;
 - ii) The applicable USEPA hazardous waste codes for each hazardous waste excluded as a fuel; and
 - iii) The certification signed by the person claiming the exclusion or his authorized representative;
- B) A brief description of the process that generated the hazardous waste and process that generated the excluded fuel, if not the same;
- C) An estimate of the average and maximum monthly and annual quantities of each waste claimed to be excluded;
- D) Documentation for any claim that a constituent is not present in the hazardous waste as required under subsection (c)(8)(A) of this Section;
- E) The results of all analyses and all detection limits achieved as required under subsection (c)(8) of this Section;
- F) If the excluded waste was generated through treatment or blending, documentation as required under subsection (c)(3) or (c)(4) of this Section;
- G) If the waste is to be shipped off-site, a certification from the burner as required under subsection (c)(12) of this Section;
- H) A waste analysis plan and the results of the sampling and analysis that include the following:
 - i) The dates and times waste samples were obtained, and the dates the samples were analyzed;
 - ii) The names and qualifications of the persons that obtained the samples;
 - iii) A description of the temporal and spatial locations of the samples;
 - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
 - v) A description of the analytical methods used, including any clean-up and sample preparation methods;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that occurred;

- vii) All laboratory analytical results demonstrating that the exclusion specifications have been met for the waste; and

- viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request; and

- I) If the generator ships comparable or syngas fuel off-site for burning, the generator must shall retain for each shipment the following information on-site:

- i) The name and address of the facility receiving the comparable or syngas fuel for burning;
- ii) The quantity of comparable or syngas fuel shipped and delivered;
- iii) The date of shipment or delivery;
- iv) A cross-reference to the record of comparable or syngas fuel analysis or other information used to make the determination that the comparable or syngas fuel meets the specifications as required under subsection (c)(8) of this Section; and

- v) A one-time certification by the burner as required under subsection (c)(12) of this Section.

- 11) Records retention. Records must be maintained for the period of three years. A generator must shall maintain a current waste analysis plan during that three year period.

- 12) Burner certification. Prior to submitting a notification to the Agency, a comparable or syngas fuel generator that intends to ship its fuel off-site for burning must obtain a one-time written, signed statement from the burner that includes the following:

- A) A certification that the comparable or syngas fuel will only be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required under subsection (c)(2) of this Section;
- B) Identification of the name and address of the units that will burn the comparable or syngas fuel; and
- C) A certification that the state in which the burner is located is authorized to exclude wastes as comparable or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

syngas fuel under the provisions of this Section. Ineligible waste codes. Wastes that are listed because of presence of dioxins or furans, as set out in Appendix G of this Part, are not eligible for this exclusion, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to full RCRA hazardous waste management requirements.

d) Table Y of this Part sets forth the table of detection and detection limit values for comparable fuel specification.

(Source: Amended at 25 Ill. Reg. 9108--e, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 721.APPENDIX G Basis for Listing Hazardous Wastes

USEPA

hazardous

waste

No.

Hazardous constituents for which listed

- F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
- F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.
- F003 N.A.
- F004 Cresols and cresylic acid, nitrobenzene.
- F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane.
- F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).
- F007 Cyanide (salts).
- F008 Cyanide (salts).
- F009 Cyanide (salts).
- F010 Cyanide (salts).
- F011 Cyanide (salts).
- F012 Cyanide (complexed).
- F019 Hexavalent chromium, cyanide (complexed).
- F020 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
- F021 Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
- F022 Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra- and hexachlorodibenzofurans.
- F023 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
- F024 Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.
- F025 Chloromethane, dichloromethane, trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USEPA hazardous waste No.	Hazardous constituents for which listed
	1,1,2-trichloroethane; trichloroethylene; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; tetrachloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzene; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene.
F026	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
F027	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
F028	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
F032	Benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, pentachlorophenol, arsenic, chromium, tetra-, penta, hexa-, heptachlorodibenzo-p-dioxins, tetra-, penta-, hexa-, heptachlorodibenzofurans.
F034	Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphthalene, arsenic chromium.
F035	Arsenic, chromium and lead.
F037	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F038	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F039	All constituents for which treatment standards are specified for multi-sour leachate (wastewaters and non-wastewaters) under 35 Ill. Adm. Code 728.Table B (Constituent Concentrations in Waste).
K001	Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene.
K002	Hexavalent chromium, lead.
K003	Hexavalent chromium, lead.
K004	Hexavalent chromium.
K005	Hexavalent chromium, lead.
K006	Hexavalent chromium.
K007	Cyanide (complexed), hexavalent chromium.
K008	Hexavalent chromium.
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde,
K010	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USEPA hazardous waste No.	Hazardous constituents for which listed
K011	Acrylonitrile, acetonitrile, hydrocyanic acid.
K013	Hydrocyanic acid, acrylonitrile, acetonitrile.
K014	Acetonitrile, acrylamide.
K015	Benzyl chloride, chlorobenzene, toluene, benzotrithloride.
K016	Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
K017	Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis- (2-chloroethyl) ethers], trichloropropane, dichloropropanols.
K018	1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
K019	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K020	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K021	Antimony, carbon tetrachloride, chloroform.
K022	Phenol, tars (polycyclic aromatic hydrocarbons).
K023	Phthalic anhydride, maleic anhydride.
K024	Phthalic anhydride, 1,4-naphthoquinone.
K025	Meta-dinitrobenzene, 2,4-dinitrotoluene.
K026	Paraldehyde, pyridines, 2-picoline.
K027	Toluene diisocyanate, toluene-2,4-diamine.
K028	1,1,1-trichloroethane, vinyl chloride.
K029	1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
K031	Arsenic.
K032	Hexachlorocyclopentadiene.
K033	Hexachlorocyclopentadiene.
K034	Hexachlorocyclopentadiene.
K035	Cresosote, chrysene, naphthalene, fluorethane, benzo(a)anthracene, benzo(a)-pyrene, indeno(1,2,3-cd)pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
K036	Toluene, phosphorodithioic and phosphorothioic acid esters.
K037	Toluene, phosphorodithioic and phosphorothioic acid esters.
K038	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K039	Phosphorodithioic and phosphorothioic acid esters.
K040	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K041	Toxaphene.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USEPA hazardous waste No.	Hazardous constituents for which listed
K042	Hexachlorobenzene, ortho-dichlorobenzene.
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K044	N.A.
K045	N.A.
K046	Lead.
K047	N.A.
K048	Hexavalent chromium, lead.
K049	Hexavalent chromium, lead.
K050	Hexavalent chromium.
K051	Hexavalent chromium, lead.
K052	Lead.
K060	Cyanide, naphthalene, phenolic compounds, arsenic.
K061	Hexavalent chromium, lead, cadmium.
K062	Hexavalent chromium, lead.
K064	Lead, cadmium.
K065	Lead, cadmium.
K066	Lead, cadmium.
K069	Hexavalent chromium, lead, cadmium.
K071	Mercury.
K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084	Arsenic.
K085	Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
K086	Lead, hexavalent chromium.
K087	Phenol, naphthalene.
K088	Cyanide (complexes).
K090	Chromium.
K091	Chromium.
K093	Phthalic anhydride, maleic anhydride.
K094	Phthalic anhydride.
K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane,
K096	1,1,2,2-tetrachloroethane.
K096	1,2-dichloroethane, 1,1,1-trichloroethane,
	1,1,2-trichloroethane.
K097	Chlordane, heptachlor.
K098	Toxaphene.
K099	2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100	Hexavalent chromium, lead, cadmium.
K101	Arsenic.
K102	Arsenic.
K103	Aniline, nitrobenzene, phenylenediamine.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USEPA hazardous waste No.	Hazardous constituents for which listed
K104	Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
K106	Mercury.
K111	2,4-Dinitrotoluene.
K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114	2,4-Toluenediamine, o-toluidine, p-toluidine.
K115	2,4-Toluenediamine.
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
K117	Ethylene dibromide.
K118	Ethylene dibromide.
K123	Ethylene thiourea.
K124	Ethylene thiourea.
K125	Ethylene thiourea.
K126	Ethylene thiourea.
K131	Dimethyl sulfate, methyl bromide.
K132	Methyl bromide.
K136	Ethylene dibromide.
K141	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K142	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K143	Benzene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene.
K144	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene.
K145	Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, naphthalene.
K147	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K148	Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K149	Benzotrichloride, benzyl chloride, chloroform, chloromethane, chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.
K150	Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USEPA
hazardous
waste
No.

Hazardous constituents for which listed

- K151 Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.
- K156 Benomyl, carbaryl, carbendazim, carbofuran, carbosulfan, formaldehyde, methylene chloride, triethylamine.
- K157 Carbon tetrachloride, formaldehyde, methyl chloride, methylene chloride, pyridine, triethylamine.
- K158 Benomyl, carbendazim, carbofuran, carbosulfan, chloroform, methylene chloride.
- K159 Benzene, butylate, EPTC, molinate, pebulate, vernolate.
- K161 Antimony, arsenic, metam-sodium, ziram.
- K169 Benzene.
- K170 Benzo(a)pyrene, dibenz(a,h)anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, 3-methylcholanthrene, 7,12-dimethylbenz(a)anthracene.
- K171 Benzene, arsenic.
- K172 Benzene, arsenic.
- K174 1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD), 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF), 1,2,3,4,7,8,9-heptachlorodibenzo-p-dioxins (HxCDDs), all hexachlorodibenzofurans (HxCDFs), all pentachlorodibenzo-p-dioxins (PeCDDs), 1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin (OCDD), 1,2,3,4,6,7,8,9-octachlorodibenzofuran (OCDF), all pentachlorodibenzofurans (PeCDFs), all tetrachlorodibenzo-p-dioxins (TCDDs), all tetrachlorodibenzofurans (TCDFs).
- K175 Mercury

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity, or reactivity.

(Source: Amended at 25 Ill. Reg. 9108-², effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 721.APPENDIX H Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
A2213	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluoren-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide,	591-08-2	P002
Acrolein	N-(aminothioxomethyl)-2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal,	116-06-3	P070
	2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime		
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl]-oxime	1646-88-4	P203
	1,4,5,8-Dimethanonaphthalene, 309-00-2		P004
Aldrin	1,2,3,4,10,10-hexachloro-1,4,4a,5,8a-hexahydro-, 1-alpha, 4-alpha, 4a-beta, 5-alpha, 8-alpha 8a-beta)-2-Propen-1-ol	107-18-6	P005
Allyl alcohol	1-Propene, 3-chloro-	107-18-6	
Allyl chloride	Same	20859-73-8	P006
Aluminum phosphide	[1,1'-Biphenyl]-4-amine	92-67-1	
4-Aminobiphenyl	3(2H)-Isoxazolone,	2763-96-4	P007
5-(Aminomethyl)-3-isoxazolol	5-(aminomethyl)-4-Pyridinamine	504-24-5	P008
4-Aminopyridine	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Amitrole	Vanadic acid, ammonium salt	7803-55-6	U119
Ammonium vanadate	Benzenamine	62-53-3	U012
Aniline	Same	7440-36-0	
Antimony	Antimony compounds, N.O.S. (not otherwise specified)		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Aramite	Sulfurous acid, 2-chloroethyl-, 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester	140-57-8	
Arsenic	Arsenic	7440-38-2	
Arsenic compounds, N.O.S.			
Arsenic acid	Arsenic acid H[3]AsO[4]	7778-39-4	P010
Arsenic pentoxide	Arsenic oxide As[2]O[5]	1303-28-2	P011
Arsenic trioxide	Arsenic oxide As[2]O[3]	1327-53-3	P012
Auramine	Benzenamine, 4,4'-carbonimidoylbis[N, N-dimethyl-L-Serine, diazoacetate (ester)]	492-80-8	U014
Azaserine	L-Serine, diazoacetate (ester)	115-02-6	U015
Barban	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butyryl ester	101-27-9	U280
Barium	Same	7440-39-3	
Barium compounds, N.O.S.			
Barium cyanide	Same	542-62-1	P013
Bendiocarb	1,3-Benzodioxol-4-ol-2,2-dimethyl-, methyl carbamate	22781-23-3	U278
Bendiocarb phenol	1,3-Benzodioxol-4-ol-2,2-dimethyl-,	22961-82-6	U364
Benomyl	Carbamic acid, [1-(butylamino)carbonyl]-[H-benzimidazol-2-yl]-, methyl ester	17804-35-2	U271
Benz[c]acridine	Same	225-51-4	U016
Benz[alanthracene	Same	56-55-3	U018
Benzal chloride	Same	98-87-3	U017
Benzene	Same	71-43-2	U018
Benzeneearsonic acid	Arsenic acid, phenyl-[1,1'-Biphenyl]-4,4'-diamine	98-05-5	U021
Benzidine	Same	92-87-5	
Benzof[b]fluoranthene	Benz[e]acephenanthrylene	205-99-2	
Benzof[j]fluoranthene	Same	205-82-3	
Benzof[k]fluoranthene	Same	207-08-9	
Benzof[a]pyrene	Same	50-32-8	U022
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione	106-51-4	U197
Benzotrichloride	Benzene,	98-07-7	U023
Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Benzyl chloride	(trichloromethyl)-		
Beryllium powder	Benzene, (chloromethyl)-		P028
Beryllium compounds, N.O.S.	Same	100-44-7	P015
Bis(pentamethylene)thiuram tetrasulfide		120-54-7	
Bromoacetone	Piperidine, 1,1'-(tetra-thiodicarbonothioyl)-bis-		
Bromoform	2-Propanone, 1-bromo	598-31-2	P017
4-Bromophenyl phenyl ether	Methane, tribromo-	75-25-2	U225
Brucine	Benzene,	101-55-3	U030
	1-bromo-4-phenoxy-		
	Strychnidin-10-one,	357-57-3	P018
	2,3-dimethoxy-		
Butylate	Carbamothioic acid, bis (2-methylpropyl)-, S-ethyl ester	2008-41-5	
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	
Cacodylic acid	Arsenic acid, dimethyl-	75-60-5	U136
Cadmium	Same	7440-43-9	
Cadmium compounds, N.O.S.			
Calcium chromate	Chromic acid H[2]CrO[4], calcium salt	13765-19-0	U032
Calcium cyanide	Calcium cyanide Ca(CN)[2]	592-01-8	P021
Carbaryl	1-Naphthalenol, methyl-carbamate	63-25-2	U279
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-carbamic acid, [(dibutylamino)thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	1563-38-8	U367
Carbosulfan	Same		
Carbon disulfide	Carbonic difluoride	75-15-0	P022
Carbon oxyfluoride	Methane, tetrachloro-	353-50-4	U033
Carbon tetrachloride	Acetaldehyde, trichloro-	56-23-5	U211
Chloral		75-87-6	U034

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Chlorambucil	Benzenebutanoic acid, 4-[bis-(2-chloroethyl)amino]-	305-03-3	U035
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Chlordane, alpha and gamma isomers			
Chlorinated benzenes, N.O.S.			
Chlorinated ethane, N.O.S.			
Chlorinated fluorocarbons, N.O.S.			
Chlorinated naphthalene, N.O.S.			
Chlorinated phenol, N.O.S.			
Chloronaphazine	Naphthalenamine, N,N'-bis (2-chloroethyl)-	494-03-1	U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S.			
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenzilate	Benzeneacetic acid, 4-chloro-alpha-	510-15-6	U038
	(4-chlorophenyl)-alpha-hydroxy-, ethyl ester		
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethane, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2	U046
beta-Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chlorophenyl) thiourea	Thiourea, (2-chlorophenyl)-	5344-82-i	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Chromium compounds, N.O.S.			
Chrysene			
Citrus red No. 2			
Coal tar creosote			
Copper cyanide			
Copper			
dimethyldithiocarbamate			
Creosote			
Cresols (Cresylic acid)			
Crotonaldehyde			
m-Cumenyl methylcarbamate			
Cyanides (soluble salts and complexes), N.O.S.			
Cyanogen			
Cyanogen bromide (CN)Br			
Cyanogen chloride			
Cycasin			
Cycloate			
2-Cyclohexyl-4,6-dinitrophenol			
Cyclophosphamide			
2,4-D			
2,4-D, salts and esters			
Daunomycin			
Beta-D-glucopyranoside, (methyl-ONN-azoxy)methyl-			
Carbamothioic acid, cyclohexylethyl-, S-ethyl ester			
Phenol, 2-cyclohexyl-4,6-dinitro-			
2H-1, 3,2-			
Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl) tetrahydro-, 2-oxide			
Acetic acid, (2,4-dichlorophenoxy)-			
Acetic acid, (2,4-dichlorophenoxy)-, salts and esters			
5, 12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxohexopyranosyl)oxy]			
-7,8,9,10-tetrahydro-6,			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Chromium compounds, N.O.S.			
Chrysene			
Citrus red No. 2			
Coal tar creosote			
Copper cyanide			
Copper			
dimethyldithiocarbamate			
Creosote			
Cresols (Cresylic acid)			
Crotonaldehyde			
m-Cumenyl methylcarbamate			
Cyanides (soluble salts and complexes), N.O.S.			
Cyanogen			
Cyanogen bromide (CN)Br			
Cyanogen chloride			
Cycasin			
Cycloate			
2-Cyclohexyl-4,6-dinitrophenol			
Cyclophosphamide			
2,4-D			
2,4-D, salts and esters			
Daunomycin			
Beta-D-glucopyranoside, (methyl-ONN-azoxy)methyl-			
Carbamothioic acid, cyclohexylethyl-, S-ethyl ester			
Phenol, 2-cyclohexyl-4,6-dinitro-			
2H-1, 3,2-			
Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl) tetrahydro-, 2-oxide			
Acetic acid, (2,4-dichlorophenoxy)-			
Acetic acid, (2,4-dichlorophenoxy)-, salts and esters			
5, 12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxohexopyranosyl)oxy]			
-7,8,9,10-tetrahydro-6,			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Dazomet	8,11-trihydroxy-1-methoxy-, 8S-cis)-2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl	533-74-4	
DDD	Benzene, 1,1'-(2,2-dichloroethylidene) bis[4-chloro-	72-54-8	U060
DDE	Benzene, 1,1'-(dichloroethenylidene)bis[4-chloro-	72-55-9	
DDT	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-chloro-	50-29-3	U061
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz[a,h]acridine	Same	226-36-8	
Dibenz[a,j]acridine	Same	224-42-0	
Dibenz[a,h]anthracene	Same	53-70-3	U063
7H-Dibenzo[c,g]carbazole	Same	194-59-2	
Dibenzo[a,e]pyrene	Naphtho[1,2,3,4-def]chrysene	192-65-4	
Dibenzo[a,h]pyrene	Dibenzo[b,def]chrysene	189-64-0	
Dibenzo[a,i]pyrene	Benzofirst]pentaphene	189-55-9	U064
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-	96-12-8	U066
Dibutyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S.	Benzene, dichloro-, [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-	25321-22-6	
3,3'-Dichlorobenzidine	2-Butene, 1,4-dichloro-	91-94-1	U073
1,4-Dichloro-2-butene	Methane, dichlorodifluoro-	764-41-0	U074
Dichlorodifluoromethane	Dichloroethylene	75-71-8	U075
Dichloroethylene, N.O.S.	Ethene, 1,1-dichloro-	25323-30-2	
1,1-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	75-35-4	U078
1,2-Dichloroethylene		156-60-5	U079

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Dichloroethyl ether	Ethane, 1,1'-oxybis[2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, 2,2'-oxybis[2-chloro-	108-60-1	U027
Dichloromethoxyethane	Ethane, 1,1'-[methylenebis-(oxy)-bis[2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis[chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenyarsine	Arsinous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Diieldrin	2,7:3,6-Dimethanonaphth [2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2aalpha, 3beta, 6beta, 6aalpha, 7beta, 7aalpha)-	60-57-1	P037
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1	U395
1,4-Diethyleneoxide	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	123-91-1	U108
Diethylhexyl phthalate	Hydrazine, 1,2-diethyl-	117-81-7	U028
N,N'-Diethylhydrazine	Phosphorodithioic acid, O,O-diethyl S-methyl ester	1615-80-1	U086
O,O-Diethyl-S-methyl dithiophosphate	Phosphoric acid, diethyl-	3288-58-2	U087
Diethyl-p-		311-45-5	P041

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
nitrophenyl phosphate	4-nitrophenyl ester	84-66-2	U088
Diethyl phthalate	1,2-Benzenedi-carboxylic acid, diethyl ester	297-97-2	P040
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	56-53-1	U089
Diethylstilbestrol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	94-58-6	U090
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	55-91-4	P043
Disopropyl fluorophosphate (DFP)	Phosphorofluoridic acid, bis(1-methylethyl) ester	60-51-5	P044
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	644-64-4	P191
Dimetilan	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester	119-90-4	U091
3,3'-Dimethoxybenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-	60-11-7	U093
p-Dimethylamino azobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-	57-97-6	U094
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-	119-93-7	U095
3,3'-Dimethylbenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	79-44-7	U097
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	57-14-7	U098
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	540-73-8	U099
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	122-09-8	P046
alpha, alpha-Dimethylphenethylamine	Benzenethanamine, alpha, alpha-dimethyl-	105-67-9	U101
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	131-11-3	U102
Dimethylphthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	77-78-1	U103
Dimethyl sulfate	Sulfuric acid, dimethyl ester	25154-54-5	
Dinitrobenzene, N.O.S.	Benzenene, dinitro-		
Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
4,6-Dinitro-O-cresol	4,6-Dinitro-O-cresol	534-52-1	P047
4,6-Dinitro-O-cresol salts	4,6-Dinitro-O-cresol salts	51-28-5	P048
2,4-Dinitrophenol	2,4-Dinitrophenol	121-14-2	U105
2,6-Dinitrotoluene	2,6-Dinitrotoluene	606-20-2	U106
Dinoseb	Dinoseb	88-85-7	P020
Di-n-octyl phthalate	Di-n-octyl phthalate	117-84-0	U107
Diphenylamine	Diphenylamine	122-39-4	U109
1,2-Diphenylhydrazine	1,2-Diphenylhydrazine	122-66-7	U111
Disulfiram	Disulfiram	97-77-8	P039
Disulfoton	Disulfoton	298-04-4	P049
Dithiobiuret	Dithiobiuret	541-53-7	P050
Endosulfan	Endosulfan	115-29-7	P088
Endothal	Endothal	145-73-3	P051
Endrin	Endrin	72-20-8	
Epichlorohydrin	Epichlorohydrin	106-89-8	U041
Epinephrine	Epinephrine	51-43-4	P042

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Phenol, 2-methyl-, 6-dinitro-	534-52-1	P047
Phenol, 2,4-dinitro-	51-28-5	P048
Benzene, 1-methyl-, 2,4-dinitro-	121-14-2	U105
Benzene, 2-methyl-, 1,3-dinitro-	606-20-2	U106
Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
1,2-Benzenedicarboxylic acid, diethyl ester	117-84-0	U107
Benzenamine, N-phenyl-	122-39-4	U109
Hydrazine, 1,2-diphenyl	122-66-7	U111
1-Propanamine, N-nitroso-N-propyl-	97-77-8	
Thioperoxydicarbonic diamide, tetraethyl phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester	298-04-4	P039
Thioimidodicarbonic diamide [(H2N)C(S)](2NH	541-53-7	P049
6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1, 5, 5a,6,9,9a-hexahydro-, 3-oxide,	115-29-7	P050
7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	145-73-3	P088
2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2abeta, 3alpha, 6alpha, 6abeta, 7beta, 7aalpha)-,	72-20-8	P051
Oxirane, (chloromethyl)-, 1,2-Benzenediol,	106-89-8	U041
	51-43-4	P042

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
EPTC	4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-Carbamothioic acid, dipropyl-, S-ethyl ester	759-94-4	
Ethyl carbamate (urethane)	Carbamic acid, ethyl ester	51-79-6	U238
Ethyl cyanide	Propanenitrile	107-12-0	P101
Ethylenebisdithiocarbamic acid	Carbamodithioc acid, -1,2-ethanediybis-	111-54-6	U114
Ethylenebisdithiocarbamic acid, salts and esters			U114
Ethylene dibromide	Ethane, 1,2-dibromo-	106-93-4	U067
Ethylene dichloride	Ethane, 1,2-dichloro-	107-06-2	
Ethylene glycol monoethyl ether	Ethanol, 2-ethoxy-	110-80-5	U359
Ethyleneimine	Aziridine	151-56-4	P054
Ethylene oxide	Oxirane	75-21-8	U115
Ethylenethiourea	2-Imidazoli dinethione	96-45-7	U116
Ethylidene dichloride	Ethane, 1,1-dichloro-	75-34-3	U076
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester	62-50-0	U119
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	U407
Famphur	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester	52-85-7	P097
Ferbam	Iron, tris(dimethylcarbamodithioato-S,S')-, Same	14484-64-1	
Fluoranthene	Same	206-44-0	U120
Fluorine	Same	7782-41-4	P056
Fluoroacetamide	Acetamide, 2-fluoro-	640-19-7	P057
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	62-74-8	P058
Formaldehyde	Same	50-00-0	U122
Formetanate hydrochloride	Methanimidamide, N,N-dimethyl-N'-[3-[(methylamino)carbonyl]-oxy]phenyl]-, monohydrochloride	23422-53-9	P198

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Formic acid Formparanate	Same	64-18-16	U123
Glycidylaldehyde	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[(methylamino)carbonyl]oxy]phenyl]-	17702-57-7	P197
Halomethanes, N.O.S. Heptachlor	Oxirane-carboxaldehyde	765-34-4	U126
Heptachlor epoxide	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-2,5-Methano-2H-indeno [1,2b]oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1aalpha, 1bbeta, 2alpha, 5alpha, 5abeta, 6beta, 6aalpha)-	76-44-8	P059
Heptachlor epoxide (alpha, beta, and gamma isomers)		1024-57-3	
Heptachlorodibenzofurans			
Heptachlorodibenzo-p-dioxins			
Hexachlorobenzene	Benzene, hexachloro-	118-74-1	U127
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87-68-3	U128
Hexachlorocyclopentadiene	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4	U130
Hexachlorodibenzo-p-dioxins			
Hexachlorodibenzofurans			
Hexachloroethane	Ethane, hexachloro-	67-72-1	U131
Hexachlorophene	Phenol, 2,2'-methylene-bis[3,4,6-trichloro-1-Propene, 1,1,2,3,3,3-hexachloro-]	70-30-4	U132
Hexachloropropene		1888-71-7	U243
Hexaethyltetraphosphate	Hexachloro-		
Hydrazine	Tetraphosphoric acid, hexaethyl ester	757-58-4	P062
Hydrogen cyanide	Same	302-01-2	U133
	Hydrocyanic acid	74-90-8	P063

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068
Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl isocyanate	Methane, isocyanato-	624-83-9	P064
2-Methylacetonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3	
Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071
Methylthiouracil	4-(LH)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2	U164
Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190
Mexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	315-18-4	P128
Mitomycin C	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1a-S(1aalpha), 8beta, 8aalpha, 8balpha]]-, 1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester	50-07-7	U010
MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-	70-25-7	U163
Mustard gas	Ethane, 1,1'-thiobis [2-chloro-	505-60-2	U165
Naphthalene	Same	91-20-3	U165
1,4-Naphthoquinone	1,4-Naphthalenedione	130-15-4	U166
alpha-Naphthylamine	1-Naphthalenamine	134-32-7	U167
beta-Naphthylamine	2-Naphthalenamine	91-59-8	U168
alpha-Naphthylthiourea	Thiourea, 1-naphthalenyl-Same	86-88-4	P072
Nickel		7440-02-0	
Nickel compounds, N.O.S.			
Nickel carbonyl	Nickel carbonyl	13463-39-	P073

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Nickel cyanide	Ni(CO)[4], (T-4)-Nickel cyanide	3	P074
Nicotine	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-	54-11-5	P075
Nicotine salts	Nitrogen oxide NO	10102-43-9	P075
Nitric oxide	Benzenamine, 4-nitro	100-01-6	P076
p-Nitroaniline	Benzene, nitro-	98-95-3	P078
Nitrobenzene	Nitrogen oxide NO[2]	10102-44-0	P078
Nitrogen dioxide	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2	
Nitrogen mustard			
Nitrogen mustard, hydrochloride salt			
Nitrogen mustard N-oxide	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2	
Nitrogen mustard, N-oxide, hydrochloride salt			
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081
p-Nitrophenol	Phenol, 4-nitro	100-02-7	U170
2-Nitropropane	Propane, 2-nitro	79-46-9	U171
Nitrosamines, N.O.S.		35576-91-1	
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-	924-16-3	U172
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino)bis-	1116-54-7	U173
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	55-18-5	U174
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9	P082
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-	10595-95-6	
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177
N-Nitroso-N-methylurethane	Carbamic acid, methylnitroso-, ethyl ester	615-53-2	U178
N-Nitrosomethylvinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084
N-Nitrosomorpholine	Morpholine, 4-nitroso-	59-89-2	

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
N-Nitrosomornicotine	Pyridine, 3-(1-nitroso-2-pyrrolidinyl)-, (S)-	16543-55-8	
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9	
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8	U181
Octachlorodibenzo-p-dioxin (OCDD)	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin	3268-87-9	
Octachlorodibenzofuran (OCDF)	1,2,3,4,6,7,8,9-Octachlorodibenzofuran	39001-02-0	
Octamethylpyrophosphoramide	Diphosphoramide,	152-16-9	P085
Osmium tetroxide	octamethyl-osmium oxide OsO ₄ (T-4)	20816-12-0	P087
Oxamyl	Ethanimidothioc acid, 2-(dimethylamino)-N-[[[(methyl-amino)carbonyloxy]-2-oxo-, methyl ester	23135-22-0	P194
Paraldehyde	1,3,5-Trioxane, 2,4,6-trimethyl-	123-63-7	U182
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56-38-2	P089
Pebulate	Carbamothioic acid, butylethyl-, S-propyl ester	1114-71-2	
Pentachlorobenzene	Benzene, pentachloro-	608-93-5	U183
Pentachlorodibenzo-p-dioxins	Ethane, pentachloro-	76-01-7	
Pentachlorodibenzofurans	Benzene, pentachloronitro-	82-68-8	U185
Pentachloroethane	Phenol, pentachloro-Acetamide, N-(4-ethoxyphenyl)-	87-86-5	See F027
Pentachloronitrobenzene (PCNB)	Same	62-44-2	U187
Pentachlorophenol	Phenol, pentachloro-	108-95-2	U188
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	25265-76-3	
Phenol	Same	62-38-4	P092
Phenylenediamine	Benzenediamine	103-85-5	P093
Phenylmercury acetate	Mercury, (acetato-O)phenyl-		
Phenylthiourea	Thiourea, phenyl-		

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Phosgene	Carbonic dichloride	75-44-5	P095
Phosphine	Same	7803-51-2	P096
Phosphate	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	298-02-2	P094
Phthalic acid esters, N.O.S.			
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9	U190
Physostigmine	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methyl-carbamate (ester), (3aS-cis)-	57-47-6	P204
Physostigmine salicylate	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methyl carbamate ester (1:1)	57-64-7	P188
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N.O.S.	Same	151-50-8	P098
Potassium cyanide	Carbamodithioc acid, dimethyl, potassium salt	128-03-0	
Potassium dimethyldithiocarbamate	Carbamodithioc acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioc acid, methyl-monopotassium salt	137-41-7	
Potassium n-methyldithiocarbamate	Argentate(1-), bis(cyano-C)-, potassium)	506-61-6	P099
Potassium silver cyanide	Pentachlorophenol, potassium salt	7778736	None
Potassium pentachlorophenate	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	2631-37-0	P201
Pronamide	Benamide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-	23950-58-5	U192

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
Propham	Carbamic acid, phenyl-, 1-methylethyl ester	122-42-9	U373
Propoxur	Phenol, 2-(1-methylethoxy)-, ethoxy)-, methylcarbamate	114-26-1	U411
n-Propylamine	1-Propanamine	107-10-8	U194
Propargyl alcohol	2-Propyn-1-ol	107-19-7	P102
Propylene dichloride	Propane, 1,2-dichloro-	78-87-5	U083
1,2-Propylenimine	Aziridine, 2-methyl-	75-55-8	P067
Propylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-	51-52-5	
Prosulfocarb	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9	U387
Pyridine	Same	110-86-1	U196
Reserpine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta, 16beta, 17alpha, 18beta, 20alpha)-, 1,3-Benzenediol 1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide	50-55-5	U200
Resorcinol	1,3-Benzenediol	108-46-3	U201
Saccharin	1,3-Benzenediol	81-07-2	U202
Saccharin salts	1,3-Benzenediol	94-59-7	U202
Safole	5-(2-propenyl)-	7782-49-2	U203
Selenium	Same		
Selenium compounds, N.O.S.	Selenious acid	7783-00-8	U204
Selenium dioxide	Selenium sulfide	7488-56-4	U205
Selenium sulfide	Ses[2]		
Selenium, tetrakis (dimethyl-dithiocarbamate tetraanhydrosulfide with	Carbamodithioic acid, dimethyl-,	144-34-3	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Selenourea	orthothioselenious acid	630-10-4	P103
Silver	Same	7440-22-4	
Silver compounds, N.O.S.	Same		
Silver cyanide	Silver cyanide AgCN	506-64-9	P104
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	See F027
Sodium cyanide	Sodium cyanide NaCN	143-33-9	P106
Sodium	Carbamodithioic acid, dibutyl-, sodium salt	136-30-1	
Sodium	Carbamodithioic acid, diethyl-, sodium salt	148-18-5	
Sodium	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1	
Sodium	Carbamodithioic acid, dimethyl-, sodium salt	131522	None
Sodium pentachlorophenate	Pentachlorophenol, sodium salt	18883-66-4	U206
Streptozotocin	D-Glucose, 2-deoxy-2-[(methylnitrosoamino) carbonylamino]-	57-24-9	P108
Strychnine	Strychnidin-10-one	95-06-7	P108
Strychnine salts	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester		
Sulfallate	Dibenzol[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	1746-01-6	
TCDD	Thioperoxydicarbonic diamide, tetrabutyl	1634-02-2	
Tetrabutylthiuram disulfide	Bis(dimethylthiocarbamoyl) sulfide	97-74-5	
Tetramethylthiuram monosulfide	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207
Tetrachlorodibenzo-p-dioxins	Ethane, tetrachloro-, N.O.S.	25322-20-7	
Tetrachlorodibenzofurans	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
Tetrachloroethane, N.O.S.	Ethane, 1,1,2,2-	79-34-5	U209

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Tetrachloroethylene	tetrachloro-	127-18-4	U210
2,3,4,6-Tetrachlorophenol	Ethene, tetrachloro-Phenol,	58-90-2	See F027
2,3,4,6-Tetrachlorophenol, potassium salt	2,3,4,6-tetrachloro-Same	53535276	None
2,3,4,6-Tetrachlorophenol, sodium salt	Same	25567559	None
2,3,4,6-Tetrachlorophenol, sodium salt	Same	3689-24-5	P109
Tetraethyldithio pyrophosphate	Thiodiphosphoric acid, tetraethyl ester	78-00-2	P110
Tetraethyl lead	Plumbane, tetraethyl	107-49-3	P111
Tetraethylpyrophosphate	Diphosphoric acid, tetraethyl ester	509-14-8	P112
Tetranitromethane	Methane, tetranitro-Same	7440-28-0	
Thallium	Thallium	1314-32-5	P113
Thallic oxide	oxide Tl_2O_3		
Thallium (I) acetate	Acetic acid, thallium (I+) salt	563-68-8	U214
Thallium (I) carbonate	Carbonic acid, dithallium (I+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride	7791-12-0	U216
Thallium (I) nitrate	Nitric acid, thallium (I+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium (I+) salt	12039-52-0	P114
Thallium (I) sulfate	Sulfuric acid, dithallium (I+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiodicarb	Ethanimidothioic acid, N,N'-[thiobis(methyl-imino)carbonyloxy]]-bis-dimethyl ester	59669-26-0	U410
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-O-[(methylamino)carbonyl]oxime	39196-18-4	P045
Thiophanate-methyl	Carbamic acid, [1,2-phenylenebis(imino-carbonothioyl)]-bis-, dimethyl ester	23564-05-8	U409

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	P219
Thiram	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂	137-26-8	U244
Tirpate	SF ₂ , tetramethyl-1,3-dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)carbonyl] oxime	26419-73-8	P185
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
Triallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromonofluoro methane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane,	Trichloropropane,	25735-29-9	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
N.O.S. 1,2,3-Trichloropropane	Propane, 1,2,3-trichloro-	96-18-4	
Triethylamine	Ethanamine, N,N-diethyl-	121-44-8	U404
O,O-Triethyl phosphorothioate	Phosphorothioic acid, O,O-triethyl ester	126-68-1	
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-	99-35-4	U234
Tris(1-aziridinyl) phosphine sulfide	Aziridine, 1,1,1"-phosphinothioylidynetris-	52-24-4	
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	U235
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl [1,1'-biphenyl])-4,4'-diyl]-bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt	72-57-1	U236
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-	66-75-1	U237
Vanadium pentoxide	Vanadium oxide V[2]O[5]	1314-62-1	P120
Vernolate	Carbamothioc acid, dipropyl-, S-propyl ester	1929-77-7	
Vinyl chloride	Ethene, chloro-	75-01-4	U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3 percent	81-81-2	U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3 percent	81-81-2	P001
Warfarin salts, when present at concentrations less than 0.3 percent			
Warfarin salts, when present at concentrations greater than 0.3 percent			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Zinc cyanide	Zinc cyanide Zn(CN)[2]	557-21-1	P121
Zinc phosphide	Zinc phosphide P[2]Zn[3], when present at concentrations greater than 10 percent	1314-84-7	P122
Zinc phosphide	Zinc phosphide P[2]Zn[3], when present at concentrations of 10 percent or less	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')-(T-4)-	137-30-4	P205

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class that are not specifically listed by name in this Section.

(Source: Amended at 25 Ill. Reg. 9108.0, effective)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Hazardous Waste Injection Restrictions

2) Code citation: 35 Ill. Adm. Code 738

3) Section numbers: Adopted action:
738.118 Amended

4) Statutory authority: 415 ILCS 5/7-2, 13(c), and 27.

5) Effective date of amendments: July 9, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No. None of the segments of 35 Ill. Adm. Code 738 under amendment in this proceeding include incorporations by reference.

8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 17, 2001, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register: 25 Ill. Reg. 3415, March 9, 2001

10) Has JCAR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the March 9, 2001 issue of the Illinois Register, the Board has not altered the text of the amendments, as indicated in item 11 above.

13) Will this amendment replace any emergency amendment currently in effect?

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendment: A more detailed description is contained in the Board's opinion and order of May 17, 2001 in consolidated docket R01-21/R01-23, which opinion and order is available from the address below. The consolidated R01-21/R01-23 proceeding updates the Board's UIC and RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 2000, through December 31, 2000.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste and UIC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the update period of July 1, 2000, through December 31, 2000. USEPA amended the federal UIC regulations on one occasion during this period. That action is summarized below:

65 Fed. Reg. 67068 (November 8, 2000)
USEPA adopted hazardous waste listings and land disposal restrictions (LDRs) for chlorinated aliphatics production wastes. Included were amendments to the federal UIC rules to implement the LDRs.

USEPA amended the federal RCRA Subtitle C regulations on five occasions during this period. Each is summarized below:

65 Fed. Reg. 42292 (July 10, 2000)
USEPA adopted technical corrections to its September 30, 1999 (64 Fed. Reg. 52828) National Emission Standards for Hazardous Air Pollutants (NESHAPs) applicable to hazardous waste combustors and its June 19, 1998 (63 Fed. Reg. 33783) hazardous waste combustor rule. Included were corrections to the hazardous waste regulations segments of the rule.

65 Fed. Reg. 47323 (August 2, 2000)

USEPA adopted amendments to various of its regulations in order to update the address for its headquarters in the Washington, D.C. area. Included was an address in a segment of the hazardous waste regulations.

65 Fed. Reg. 67068 (November 8, 2000)

USEPA adopted hazardous waste listings and land disposal restrictions (LDRs) for chlorinated aliphatics production wastes.

65 Fed. Reg. 81373 (December 26, 2000)

USEPA amended a segment of its May 26, 1988 (63 Fed. Reg. 28602) Phase IV LDRs. USEPA is deferring the requirement that polychlorinated biphenyls (PCBs) be considered a constituent subject to treatment in soils that are hazardous waste because they exhibit the characteristic of toxicity due to the presence of metals. USEPA still requires treatment for all hazardous

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

constituents other than PCBs.

In addition to the amendments to the federal UIC and RCRA Subtitle C regulations, another set of federal amendments might have an effect on the corresponding Illinois rules. Most notably, 35 Ill. Adm. Code 720.111 includes several incorporations of federal regulations by reference, and USEPA has amended 40 C.F.R. 136, which is included among the incorporated references. The set of federal amendments to 40 C.F.R. 136 is as follows:

65 Fed. Reg. 81242 (December 22, 2000)
USEPA established a new part containing effluent limitations and pretreatment standards for sources in the centralized waste treatment category. Included were amendments to the CWA analytical methods, which are incorporated by reference into the hazardous waste regulations.

Specifically, the amendments to Part 738 implement the UIC segments of the federal November 8, 2000, hazardous waste listings and LDRs for chlorinated aliphatics production wastes.

The table below lists numerous corrections and amendments that are not based on current federal amendments. The table includes deviations made in these amendments from the verbatim text of the federal amendments. This table is reproduced from the tables that appear in the Board's opinion of May 17, 2001, in consolidated docket R01-21/R01-23. Some of the entries in this table is discussed further in appropriate segments of the general discussion in that opinion.

Table:
Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
738.118(j)	148.18(j)	Removed the effective date statement "effective May 8, 2001," which will be past prior to the effective date of this Section; changed "EPA Hazardous Waste Numbers" to "USEPA hazardous waste numbers"
738.118(k)	148.18(k)	Added "under any of the following circumstances"

- 16) Information and questions regarding this adopted amendment shall be directed to: Please reference consolidated Docket R01-21/R01-23 and direct inquiries to the following person:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of May 17, 2001 from Linda Webster, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
 UNDERGROUND STORAGE TANK PROGRAMS

PART 738

HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Section 738.101 Purpose, Scope, and Applicability
 738.102 Definitions
 738.103 Dilution Prohibited as a Substitute for Treatment
 738.104 Case-by-Case Extensions of an Effective Date
 738.105 Waste Analysis

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.110 Waste Specific Prohibitions - Solvent Wastes
 738.111 Waste Specific Prohibitions - Dioxin-Containing Wastes
 738.112 Waste Specific Prohibitions - California List Wastes
 738.114 Waste Specific Prohibitions - First Third Wastes
 738.115 Waste Specific Prohibitions - Second Third Wastes
 738.116 Waste Specific Prohibitions - Third Third Wastes
 738.117 Waste-Specific Prohibitions - Newly-Listed Wastes
 738.118 Waste-Specific Prohibitions - Newly-Listed and Identified Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section 738.120 Petitions to Allow Injection of a Prohibited Waste
 738.121 Required Information to Support Petitions
 738.122 Submission, Review and Approval or Denial of Petitions
 738.123 Review of Adjusted Standards
 738.124 Termination of Adjusted Standards

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-4 at 19 Ill. Reg. 9501, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 238,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17486, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1695, effective January 19, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18576, effective December 7, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9161, effective 10/1/01.

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.118 Waste-Specific Prohibitions - Newly-Listed and Identified Wastes

- a) All newly identified D004 through D011 wastes and characteristic mineral processing wastes, except those identified in subsection (b) of this Section, are prohibited from underground injection.
- b) Characteristic hazardous wastes from titanium dioxide mineral processing, and radioactive wastes mixed with newly identified D004 through D011 or mixed with newly identified characteristic mineral processing wastes, are prohibited from underground injection.
- c) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 are prohibited from underground injection.
- d) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 that are mixed with radioactive wastes are prohibited from underground injection.
- e) The wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers are prohibited from underground injection: K156, K157, K158, K159, K160, K161, P127, P128, P185, P189, P188, P190, P191, P192, P194, P196, P197, P198, P199, P201, P202, P203, P204, P205, U271, U277, U278, U279, U280, U364, U365, U366, U367, U372, U373, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U387, U389, U390, U391, U392, U393, U394, U395, U396, U400, U401, U402, U403, U404, U407, U409, U410, and U411.
- f) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 is prohibited from underground injection.
- g) The wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection: D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043.
- h) This subsection corresponds with 40 CFR 148.18(h), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the federal regulations.
- i) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K169 through K172 are prohibited from underground injection.
- j) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K174 and K175 are prohibited from underground injection.
- k) The requirements of subsections (a) through (j) of this Section do not

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

apply under any of the following circumstances:

- 1) If the wastes meet or are treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728; or
- 2) If an exemption from a prohibition has been granted in response to a petition under Subpart C of this Part; or
- 3) During the period of extension of the applicable effective date, if an extension has been granted under Section 738.104.

(Source: Amended at 25 Ill. Reg. 9161.2-2, effective)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code citation: 35 Ill. Adm. Code 720
- 3) Section numbers: Adopted action:
720.111 Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 13(c), 22.4, and 27.
- 5) Effective date of amendment: July 9, 2001

6) Does this rulemaking contain an automatic repeal date?: No

7) Does this amendment contain incorporations by reference? Yes. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments accomplish the following:

They update the version of 40 C.F.R. 60 and 63 incorporated by reference to add the July 10, 2000 amendments to the federal hazardous waste combustor rule and hazardous waste combustor NESHAP.

They update the federal Clean Water Act analytical procedures of 40 CFR 136 incorporated by reference to include the federal amendments of December 22, 2000.

Since the 2000 edition of the Code of Federal Regulations is now available from the federal Government Printing Office, they update the cited edition of the C.F.R. to 2000 for all references. (The reference to 40 C.F.R. 268.41 will continue to cite the 1990 edition of the C.F.R., so that 35 Ill. Adm. Code 728.140(i) will continue to comport with corresponding 40 C.F.R. 268.40(i), which cites that older edition.)

They delete the incorporation of "Section 3004 of the Resource Conservation and Recovery Act (42 USC 6901 et seq.), as amended through December 31, 1987" by reference in Section 720.111(c), since no particular requirements from that section are actually incorporated into the Illinois RCRA regulations by reference.

8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 17, 2001, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register: 25 Ill. Reg. 3421, March 9, 2001

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

10) Has JCAR issued a Statement of Objection to this amendment? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated May 17, 2001, in consolidated docket R01-21/R01-23, and the adopted amendments to Part 720. Many of the differences are explained in greater detail in the Board's opinion and order of May 17, 2001, in consolidated docket R01-21/R01-23, adopting the amendments.

Section Revised	Source(s)	Revision(s)
720 table of contents	JCAR	Changed the Subpart B heading to "Definitions and References"
720.Subpart B heading	JCAR	Changed the heading to "Definitions and References"
720.111(a) "USDOD"	JCAR	Corrected the title of "DOD Ammunition and Explosives Safety Standards" and updated the version of this document incorporated by reference
720.111(a) "NTIS"	JCAR	Added the hyphen to "PB80-208895" for consistency with the other listed documents
720.111(a) "USEPA"	JCAR	Corrected the street name in the address to "Jefferson Davis Highway"; corrected the ZIP code to "22202"

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Since the Notices of Proposed Amendments appeared in the March 9, 2001 issue of the Illinois Register, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

as indicated in item 11 above.

13) Will this amendment replace any emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendment: A more detailed description is contained in the Board's opinion and order of May 17, 2001 in consolidated docket R01-21/R01-23, which opinion and order is available from the address below. The consolidated R01-21/R01-23 proceeding updates the Board's UIC and RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 2000, through December 31, 2000.

This proceeding updates the Illinois UIC and RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the update period of July 1, 2000, through December 31, 2000. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 738 that appears elsewhere in this issue of the Illinois Register. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 720 are a single segment.

Specifically, the amendments to Part 720 implement segments of the federal December 22, 2000, amendments to the CWA analytical methods of 40 C.F.R. 136, as incorporated by reference in Section 720.111.

The table below lists numerous corrections and amendments that are not based on current federal amendments. The table contains corrections and clarifications that the Board made in the base text involved in these amendments. These table is reproduced from the tables that appear in the Board's opinion of May 17, 2001, in consolidated docket R01-21/R01-23. Some of the entries in this table are discussed further in appropriate segments of the general discussion in that opinion.

Table:
Board Housekeeping Amendments

Section	Source	Revision(s)
720 table of contents	JCAR	Changed the Subpart B heading to "Definitions and References"
720.Subpart B heading	JCAR	Changed the heading to "Definitions and References"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

720.111(a) "USDOD"	JCAR	Corrected the title of "DOD Ammunition and Explosives Safety Standards" and updated the version of this document incorporated by reference
720.111(a) "NTIS" "APTI Course 415"	JCAR	Added the hyphen to "PB80-208895" for consistency with the other listed documents
720.111(a) "USEPA"	JCAR	Corrected the street name in the address to "Jefferson Davis Highway"; corrected the ZIP code to "22202"
720.111(b)	Board	Updated the citation to the 2000 edition of the Code of Federal Regulations (17 times)
720.111(c)	Board	Removed the incorporation of section 3004 of RCRA

16) Information and questions regarding this adopted amendment shall be directed to:

Please reference consolidated Docket R01-21/R01-23 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601
312-814-6924

Request copies of the Board's opinion and order of May 17, 2001 from Linda Webster, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section
720.101 Purpose, Scope, and Applicability
720.102 Availability of Information; Confidentiality of Information
720.103 Use of Number and Gender

SUBPART B: DEFINITIONS AND REFERENCES

Section
720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section
720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Delisting
720.123 Petitions for Regulation as Universal Waste
720.130 Procedures for Solid Waste Determinations
720.131 Solid Waste Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 1266, effective January 11, 2001.

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Catholic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November 1987.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C 94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D 88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January 1987.

ASTM D 93-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, approved October 25, 1985.

ASTM D 1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D 2161-87, Standard Practice for Conversion of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D 2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D 2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D 3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E 168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E 169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E 260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G 21-70 (1984a), Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G 22-76 (1984b), Standard Practice for Determining Resistance of Plastics to Bacteria.

MICE. Methods Information Communication Exchange Service, 703-821-4690:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846, Update IIIA (April 1998).

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August, 1993), IIB (January 1995), and III (December 1996) (Document Number 955-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP-02-85, approved March 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847:

APTI Course 415: Control of Gaseous Emissions, PB80-208895 PB80208895, December 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987 (document number PB-88-170766).

"Guideline on Air Quality Models", Revised 1986 (document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)), also set forth at 40 CFR 51, Appendix W).

"Method 164, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry" (document number PB99-121949).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March 1983 (document number PB84-128677).

"Methods Manual for Compliance with BIF Regulations", December 1990 (document number PB91-120-006).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

"Petitions to Delist Hazardous Wastes -- A Guidance Manual, Second Edition", EPA/530-R-93-007, March 1993 (document number PB93-169 365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), IIC (December 1996), and IIIA (April 1998) (document number 955-001-00000-1).

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France:

OECD Guideline for Testing of Chemicals, Method 301B: "CO[2] Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Explosive Safety Standards" (DOD 6055.9-STD), as in effect in July 1999 on November-8-1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Tally Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson Davis Highway, first floor, Arlington, VA 222022209 (Docket #F-94-IEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

10 CFR 20, Appendix B (2000)†1999†

40 CFR 51.100(ii) (2000)†1999†

40 CFR 51, Appendix W (2000)†1999†

40 CFR 52.741, Appendix B (2000)†1999†

40 CFR 60 (2000), as amended at 65 Fed. Reg. 42297 (July 10, 2000) †1999†

40 CFR 61, Subpart V (2000)†1999†

40 CFR 63 (2000), as amended at 65 Fed. Reg. 42296 (July 10, 2000)†1999†

40 CFR 136 (2000)†1999†, as amended at 6564 Fed. Reg. 81295 (December 22, 2000) 73414-†December-30, 1999†-and-65-Fed-Reg-3000-†January-19, 2000†

40 CFR 142 (2000)†1999†

40 CFR 220 (2000)†1999†

40 CFR 232.2 (2000)†1999†

40 CFR 260.20 (2000)†1999†

40 CFR 264 (2000)†1999†

40 CFR 268.41 (1990)

40 CFR 268, Appendix IX (2000)†1999†

40 CFR 270.5 (2000)†1999†

40 CFR 302.4, 302.5, and 302.6 (2000)†1999†

40 CFR 761 (2000)†1999†

49 CFR 171 (2000)†1999†

49 CFR 173 (2000)†1999†

49 CFR 178 (2000)†1999†

c) Federal Statutes

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

~~Section 3004 of the Resource Conservation and Recovery Act--(42 USC 6901 et seq.)--as amended through December 31, 1987.~~

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 512(j)), as amended through October 25, 1994.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).

d) This Section incorporates no later editions or amendments.

(Source: Amended at 25 Ill. Reg. 9168 = P effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Land Disposal Restrictions

2) Code citation: 35 Ill. Adm. Code 728

3) Section numbers: Adopted action:

728.132 Added

728.133 Added

728.149 Amended

APPENDIX C

TABLE T

TABLE U

Amended

Amended

4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

5) Effective date of amendments: July 9, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No. Although segments of the text of 35 Ill. Adm. Code 728 now opened for amendment include existing incorporations by reference, the present amendments do not affect those incorporations.

8) The adopted amendments, a copy of the Board's opinion and order adopted May 17, 2001, and all materials incorporated by reference, are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register: 25 Ill. Reg. 3487, March 9, 2001

10) Has JCAR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated May 17, 2001, in consolidated docket R01-21/R01-23, and the adopted amendments to Part 728. Many of the differences are explained in greater detail in the Board's opinion and order of May 17, 2001, in consolidated docket R01-21/R01-23, adopting the amendments.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section Revised Source(s) Revision(s)
of

Revision(s)

728.Appendix C

Agency

Corrected "Part 268" to "Part 728"

728.Appendix C

Agency

Corrected the spelling of "trichloroethene"; corrected the spelling of "2-chlorophenol"; corrected the spelling of "hexachloropropene"; corrected the spelling of "hexachlorophene"

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 17, 2001 in consolidated docket R01-21/R01-23, which opinion and order is available from the address below. The consolidated R01-21/R01-23 proceeding updates the Board's UIC and RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 2000, through December 31, 2000.

This proceeding updates the Illinois UIC and RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the update period of July 1, 2000, through December 31, 2000. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 728 that appears elsewhere in this issue of the Illinois Register. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 728 are a single segment.

Specifically, the amendments to Part 728 implement segments of the federal November 8, 2000, hazardous waste listings and LDRs for chlorinated aliphatics production wastes and the December 26, 2000, amendment to the Phase IV LDR rules as they pertain to PCBs as a constituent subject to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

treatment in soils that are hazardous waste because they exhibit the characteristic of toxicity due to the presence of metals.

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim text of the federal amendments. The second table contains corrections and clarifications that the Board made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board's opinion of May 17, 2001, in consolidated docket R01-21/R01-23. Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Table 1:
Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
728.132 heading	268.32	Changed the heading to title case
728.132(a)	268.32(a)	Removed the past effective date statement "effective December 26, 2000"; changed "D004-D011" to "USEPA hazardous waste numbers D004 through D011"
728.132(b)	268.32(b)	Added "any of the following conditions is fulfilled"
728.132(b)(1)	268.32(b)(1)	Added "low-halogenated . . . standards;" as a subsection heading
728.132(b)(1)(B)	268.32(b)(1)(ii)	Changed "EPA hazardous waste numbers D004-D011" to "USEPA hazardous waste numbers D004 through D011"
728.132(b)(2)	268.32(b)(2)	Added "low-halogenated . . . soil:" as a subsection heading
728.133 heading	268.33	Changed the heading to title case

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

728.133(a)	268.33(a)	Removed the effective date statement "effective May 8, 2001," which will be past prior to the effective date of this Section; changed "EPA Hazardous Waste Numbers K174, and K175" to "USEPA hazardous waste numbers K174 and K175"
728.133(b)	268.33(b)	Added "any of the following conditions is fulfilled"
728.133(b)(5)	268.33(b)(5)	Changed "these wastes covered by the extension" to "those wastes covered by the extension"
728.133(c)	268.33(c)	Changed "requirements of part 268" to "requirements of this Part 728"
728.133(d)	268.33(d)	Changed "K175 wastes" to "USEPA hazardous waste numbers K175 wastes"; added a comma before "unless" to offset a parenthetical
728.133(d)(1)	268.33(d)(1)	Changed "Subtitle C" to "RCRA Subtitle C"
728.133(d)(2)	268.33(d)(2)	Changed "Subtitle C" to "RCRA Subtitle C"
728.149(d)	268.49(d)	Corrected "PCBs are not constituent" to "PCBs are not constituents"; changed "which" to "that" for a restrictive relative clause
728. Appendix C	268. Appendix III	Changed "HOCs" to "halogenated organic compounds (HOCs)" to define the abbreviation; changed "EPA" to "USEPA"; Changed "appendix III" to "this Appendix C"; reformatted the entries of chemical names into dual columns; corrected the spelling of "trichloroethene"; corrected the spelling of "2-chlorophenol"; corrected the spelling of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"hexachloropropene"; corrected the spelling of "hexachlorophene"; placed automatic hyphenation in the appropriate location in the chemical name "tris(2,3-dibromopropyl)"

Added automatic hyphenation to the chemical names "1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin", "1,2,3,4,6,7,8-heptachlorodibenzofuran", "1,2,3,4,7,8,9-heptachlorodibenzofuran", and "1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin"

728.Table T
"F039"

268.40 table

728.Table T
"K174"

268.40 table

Changed to singular "wastewater treatment sludge"; added automatic hyphenation to the long chemical names; removed the parentheses from chemical names and placed all abbreviated names in parentheses (five times)

728.Table T
note 12

268.40 table

Changed "K175 wastes that have" to singular "USEPA hazardous waste number K175 waste that has"; added "either . . . facilities"; changed the subdivision designations from Arabic numerals to lower-case letters; changed "Subtitle C" to "RCRA Subtitle C"

728.Table U

268(a) table

Added automatic hyphenation to the chemical names "heptachloro-dibenzo-p-dioxin", "heptachloro-dibenzofuran", "octachloro-dibenzo-p-dioxin", and "octachlorodibenzofuran"

728.Table U
note 8

268(a) table

Changed "D004-D014" to "USEPA hazardous waste numbers D004 through D011"

Table 2:

Board Housekeeping Amendments

Section

Source

Revision(s)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Changed "shall" to "must"

728.149(a)

Board

Added a Board note to indicate the source of this provision

728.149

Board

Updated the citation to the 2000 edition of the *Code of Federal Regulations*, replacing the *Federal Register* citation with a later update

728.Table T
Board note

Board

Updated the citation to the 2000 edition of the *Code of Federal Regulations*, replacing the *Federal Register* citation with a later update

728.Table U
Board note

Board

16) Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated Docket R01-21/R01-23 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of May 17, 2001 from Linda Webster, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	
728.101	Purpose, Scope, and Applicability
728.102	Definitions
728.103	Dilution Prohibited as a Substitute for Treatment
728.104	Treatment Surface Impoundment Exemption
728.105	Procedures for case-by-case Extensions to an Effective Date
728.106	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.107	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.108	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109	Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions
SUBPART C: PROHIBITION ON LAND DISPOSAL	
728.130	Waste Specific Prohibitions -- Wood Preserving Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs California-Listed (Repealed)
728.133	Waste -- Specific Prohibitions -- Chlorinated Aliphatic Wastes Organobromine-Wastes-(Repealed)
728.134	Waste -- Specific Prohibitions -- Toxicity Characteristic Metal Wastes
728.135	Waste Specific Prohibitions -- Petroleum Refining Wastes
728.136	Waste Specific Prohibitions -- Newly Listed Wastes (Repealed)
728.137	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

728.138	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139	Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section	
728.140	Applicability of Treatment Standards
728.141	Treatment Standards Expressed as Concentrations in Waste Extract
728.142	Treatment Standards Expressed as Specified Technologies
728.143	Treatment Standards Expressed as Waste Concentrations
728.144	Adjustment of Treatment Standard
728.145	Treatment Standards for Hazardous Debris
728.146	Alternative Treatment Standards Based on HTWR
728.148	Universal Treatment Standards
728.149	Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section	
728.150	Prohibitions on Storage of Restricted Wastes
APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
APPENDIX B	Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
APPENDIX C	List of Halogenated Organic Compounds (Repealed)
APPENDIX D	Wastes Excluded from Lab Packs
APPENDIX E	Organic Lab Packs (Repealed)
APPENDIX F	Technologies to Achieve Deactivation of Characteristics
APPENDIX G	Federal Effective Dates
APPENDIX H	National Capacity LDR Variances for UIC Wastes
APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
APPENDIX K	Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to Section 728.103(c)
TABLE A	Constituent Concentrations in Waste Extract (CCWE)
TABLE B	Constituent Concentrations in Wastes (CCW)
TABLE C	Technology Codes and Description of Technology-Based Standards
TABLE D	Technology-Based Standards by RCRA Waste Code
TABLE E	Standards for Radioactive Mixed Waste
TABLE F	Alternative Treatment Standards for Hazardous Debris
TABLE G	Alternative Treatment Standards Based on HTWR
TABLE H	Wastes Excluded from CCW Treatment Standards
TABLE I	Generator Paperwork Requirements

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TABLE T Treatment Standards for Hazardous Wastes
TABLE U Universal Treatment Standards (UTS)

AUTHORITY: Implementing Sections 7-2 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/7-2, 22.4 and 27).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. _____, effective _____.

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.132 Waste Specific Prohibitions -- Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs ~~California List-Wastes--(Repeated)~~

- a) The following wastes are prohibited from land disposal: any volumes of soil exhibiting the toxicity characteristic solely because of the presence of metals (USEPA hazardous waste numbers D004 through D011) and containing PCBs.
- b) The requirements of subsection (a) of this Section do not apply if any of the following conditions is fulfilled:

- 1) Low-halogenated organics waste meeting Subpart D treatment standards:
- A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and
- B) The wastes meet the treatment standards specified in Subpart D of this part for USEPA hazardous waste numbers D004 through D011, as applicable; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Low-halogenated organics waste meeting alternative treatment standards for contaminated soil:
- A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and
- B) The wastes meet the alternative treatment standards specified in Section 728.149 for contaminated soil; or
- 3) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or
- 4) The wastes meet applicable alternative treatment standards established pursuant to a petition granted under Section 728.114.

(Source: Section repealed at 22 Ill. Reg. 17706, effective September 28, 1998; new Section adopted at 25 Ill. Reg. 11816, effective _____.)

Section 728.133 Waste Specific Prohibitions -- Chlorinated Aliphatic Wastes ~~Organobromine Wastes--(Repeated)~~

- a) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous wastes numbers K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.
- b) The requirements of subsection (a) of this Section do not apply if any of the following conditions is fulfilled:
- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
- 2) Persons have been granted an exemption from prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
- 3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.114;
- 4) Hazardous debris has met the treatment standards in Section 728.140 or the alternative treatment standards in Section 728.145; or
- 5) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.
- c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentration in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of Subpart D of this Part, the waste is prohibited from land disposal, and all requirements of this Part 728 are applicable, except as otherwise

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- specified.
- d) Disposal of USPPA hazardous waste number K175 wastes that have complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in accordance with Table F of this Part, unless the waste is placed in:
- 1) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable Section 728.140 treatment standards; or
 - 2) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at pH < 6.0.

(Source: Section repealed at 24 Ill. Reg. 9623, effective June 20, 2000; new Section adopted at 25 Ill. Reg. 9181, effective 6-1-00.)

SUBPART D: TREATMENT STANDARDS

Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

- a) Applicability. An owner or operator must ~~shall~~ comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

<u>If the LDRs</u>	<u>And if the LDRs</u>	<u>And if</u>	<u>Then the owner or operator</u>
Applied to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	-	Must comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Must comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Needs not comply with LDRs.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Did not apply to the listed waste contaminated the soil*.

Do not apply to the listed waste when it now.

-

Needs not comply with LDRs.

* For dates of LDR applicability, see Appendix G of this Part. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

- b) Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) of this Section or according to the universal treatment standards specified in Section 728.148 and Table U of this Part applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) of this Section and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.
- c) Treatment standards for contaminated soils. Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to all the standards specified in this subsection or according to the universal treatment standards specified in Section 728.148 and Table U of this Part.
 - 1) All soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:
 - A) For non-metals except carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by subsection (c)(1)(C) of this Section.
 - B) For metals and carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) of this Section.
 - C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- standards are identified in Table U of this Part.
- 2) Soils that exhibit the characteristic of ignitability, corrosivity or reactivity. In addition to the treatment required by subsection (c)(1) of this Section, prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.
 - 3) Soils that contain nonanalyzable constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) of this Section, prior to land disposal, the following treatment is required for soils that contain nonanalyzable constituents:
 - A) For soil that contains only analyzable and nonanalyzable organic constituents, treatment of the analyzable organic constituents to the levels specified in subsections (c)(1) and (c)(2) of this Section; or
 - B) For soil that contains only nonanalyzable constituents, treatment by the methods specified in Section 728.142 for the waste contained in the soil.
 - d) Constituents subject to treatment. When applying the soil treatment standards in subsection (c) of this Section, constituents subject to treatment are any constituents listed in Table U of this Part universal treatment standards that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium, and zinc, and that are present at concentrations greater than ten times the universal treatment standard. PCBs are not constituents subject to treatment in any given volume of soil that exhibits the toxicity characteristic solely because of the presence of metals.
 - e) Management of treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be managed as follows:
 - 1) Soil residuals are subject to the treatment standards of this Section;
 - 2) Non-soil residuals are subject to the following requirements:
 - A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and
 - B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Amended at 25 Ill. Reg. 9181-2 effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 728.APPENDIX C List of Halogenated Organic Compounds Regulated Under Section 728.132 (repeated)

In determining the concentration of halogenated organic compounds (HOCs) in a hazardous waste for purposes of the Section 728.132 land disposal prohibition, USEPA has defined the HOCs that must be included in a calculation as any compound having a carbon-halogen bond which are listed in this Appendix (see Section 728.102). This Appendix C to Part 268 consists of the following compounds:

I. Volatiles

1. Bromodichloromethane
2. Bromomethane
3. Carbon Tetrachloride
4. Chlorobenzene
5. 2-Chloro-1,3-butadiene
6. Chlorodibromomethane
7. Chloroethane
8. 2-Chloroethyl vinyl ether
9. Chloroform
10. Chloromethane
11. 3-Chloropropene
12. 1,2-Dibromo-3-chloropropane
13. 1,2-Dibromomethane
14. Dibromomethane
15. Trans-1,4-Dichloro-2-butene
16. Dichlorodifluoromethane
17. 1,1-Dichloroethane
18. 1,2-Dichloroethane
19. 1,1-Dichloroethylene
20. Trans-1,2-Dichloroethene
21. 1,2-Dichloropropane
22. Trans-1,3-Dichloropropene
23. cis-1,3-Dichloropropene
24. Iodomethane
25. Methylene chloride
26. 1,1,1,2-Tetrachloroethane
27. 1,1,2,2-Tetrachloroethane
28. Tetrachloroethene
29. Tribromomethane
30. 1,1,1-Trichloroethane
31. 1,1,2-Trichloroethane
32. Trichloroethene
33. Trichloromonofluoromethane
34. 1,2,3-Trichloropropane
35. Vinyl Chloride

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

II. Semivolatiles

1. Bis(2-chloroethoxy)ethane
2. Bis(2-chloroethyl)ether
3. Bis(2-chloroisopropyl)ether
4. p-Chloroaniline
5. Chlorobenzilate
6. p-Chloro-m-cresol
7. 2-Chloronaphthalene
8. 2-Chlorophenol
9. 3-Chloropropionitrile
10. m-Dichlorobenzene
11. o-Dichlorobenzene
12. p-Dichlorobenzene
13. 3,3'-Dichlorobenzidine
14. 2,4-Dichlorophenol
15. 2,6-Dichlorophenol
16. Hexachlorobenzene
17. Hexachlorobutadiene
18. Hexachlorocyclopentadiene
19. Hexachloroethane
20. Hexachloropropene
21. Hexachloropropene
22. 4,4'-Methylenebis(2-chloroaniline)
23. Pentachlorobenzene
24. Pentachloroethane
25. Pentachloronitrobenzene
26. Pentachlorophenol
27. Pronamide
28. 1,2,4,5-Tetrachlorobenzene
29. 2,3,4,6-Tetrachlorophenol
30. 1,2,4-Trichlorobenzene
31. 2,4,5-Trichlorophenol
32. 2,4,6-Trichlorophenol
33. Tris(2,3-dibromopropyl)phosphate

III. Organochlorine Pesticides

1. Aldrin
2. alpha-BHC
3. beta-BHC
4. delta-BHC
5. gamma-BHC
6. Chlorodane
7. DDD
8. DDE
9. DDT
10. Dieldrin

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

11. Endosulfan I
12. Endosulfan II
13. Endrin
14. Endrin aldehyde
15. Heptachlor
16. Heptachlor epoxide
17. Isodrin
18. Kepone
19. Methoxychlor
20. Toxaphene

IV. Phenoxylacetic Acid Herbicides

1. 2,4-Dichlorophenoxylacetic acid
2. Silvex
3. 2,4,5-T

V. PCBs

1. Aroclor 1016
2. Aroclor 1221
3. Aroclor 1232
4. Aroclor 1242
5. Aroclor 1248
6. Aroclor 1254
7. Aroclor 1260
8. PCBs not otherwise specified

VI. Dioxins and Furans

1. Hexachlorodibenzo-p-dioxins
2. Hexachlorodibenzofuran
3. Pentachlorodibenzo-p-dioxins
4. Pentachlorodibenzofuran
5. Tetrachlorodibenzo-p-dioxins
6. Tetrachlorodibenzofuran
7. 2,3,7,8-Tetrachlorodibenzo-p-dioxin

BOARD NOTE: Derived from 40 CFR 268, Appendix III, as added at 65 Fed. Reg. 81340 (December 26, 2000).

(Source: Section repealed at 22 Ill. Reg. 17706, effective September 28, 1998; new Section adopted at 25 Ill. Reg. 9181, effective 9/1/98.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 728. TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code	Waste Description and Treatment or Regulatory Subcategory (1)	Regulated Hazardous Constituent	Wastewaters	Nonwastewaters
Common Name	CAS(2) Number	Concentration	Concentration	
in mg/l(3); or	in mg/kg(5) un-	Technology	less noted as	
		Code(4)	"mg/l TCLP";	
			or Technology	
			Code(4)	
D001(9)	Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1)			
NA	High TOC Subcategory.	NA	DEACT and meet Section 728.148 standards (8); or RORGS; or CMBST	DEACT and meet Section 728.148 standards (8); or RORGS; or CMBST
D001(9)	High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10 percent total organic carbon. (Note: This subcategory consists of nonwastewaters only.)	NA	DEACT and meet Section 728.148 standards (8); or RORGS; or CMBST	DEACT and meet Section 728.148 standards (8)
D002(9)	Corrosive Characteristic Wastes.	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
NA		NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
D002, D004, D005, D006, D007, D008, D009, D010, D011	Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
Corrosivity (pH)	NA	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)
Arsenic	7440-38-2	NA	DEACT and meet Section 728.148 standards (8)	DEACT and meet Section 728.148 standards (8)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT
D003(9)	Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).	NA	DEACT
NA		NA	DEACT
D003(9)	Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).	NA	DEACT and meet Section 728.148 standards (8)
NA		NA	DEACT and meet Section 728.148 standards (8)
D003(9)	Unexploded ordnance and other explosive devices that have been the subject of an emergency response.	NA	DEACT
NA		NA	DEACT
D003(9)	Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).	NA	DEACT and meet Section 728.148 standards (8)
NA		NA	DEACT and meet Section 728.148 standards (8)
D003(9)	Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).	NA	DEACT and meet Section 728.148 standards (8)
NA	(Note: This subcategory consists of nonwastewaters only.)	NA	DEACT and meet Section 728.148 standards (8)
D003(9)	Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).	NA	DEACT and meet Section 728.148 standards (8)
NA		NA	DEACT and meet Section 728.148 standards (8)
D003(9)	Cyanides (Total)(7)	57-12-5	590
NA	Cyanides (Amenable)(7)	57-12-5	30
D004(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity	NA	HLVIT

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

for arsenic based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Arsenic 7440-38-2 1.4 and meet Section 728.148 standards(8) 5.0 mg/l TCLP and meet Section 728.148 standards(8)

D005(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Barium 7440-39-3 1.2 and meet Section 728.148 standards(8) 21 mg/l TCLP and meet Section 728.148 standards(8)

D006(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Cadmium 7440-43-9 0.69 and meet Section 728.148 standards(8) .11 mg/l TCLP and meet Section 728.148 standards(8)

D006(9) Cadmium-Containing Batteries Subcategory (Note: This subcategory consists of nonwastewaters only.)

Cadmium 7440-43-9 NA RTHRM

D007(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chromium (Total) 7440-47-3 2.77 and meet Section 728.148 standards(8) 0.60 mg/l TCLP and meet Section 728.148 standards(8)

D008(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Lead 7439-92-1 0.69 and meet Section 728.148 standards(8) 0.75 mg/l TCLP and meet Section 728.148

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

standards(8)

D008(9) Lead Acid Batteries Subcategory

(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead 7439-92-1 NA RLEAD

D008(9) Radioactive Lead Solids Subcategory

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead 7439-92-1 NA MACRO

D009(9)

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury 7439-97-6 NA IMERC; or RMERC

D009(9)

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury 7439-97-6 NA RMERC

D009(9)

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

Mercury 7439-97-6 NA

0.20 mg/l TCLP and meet Section

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

D009(9) All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based in the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)	7439-97-6	NA	0.025 mg/l TCLP and meet Section 728.148 standards(8)	728.148 standards (8)
	Mercury			
D009(9) All D009 wastewaters.	7439-97-6	0.15 and meet Section 728.148 standards(8)	NA	
	Mercury			
D009(9) Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)	7439-97-6	NA	AMLMG	
	Mercury			
D009(9) Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)	7439-97-6	NA	IMERC	
	Mercury			
D010(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	7782-49-2	0.82	5.7 mg/l TCLP and meet Section 728.148 standards(8)	
	Selenium			
D011(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	7440-22-4	0.43	0.14 mg/l TCLP and meet Section 728.148 standards(8)	
	Silver			

D012(9) Wastes that are TC for Endrin based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards(8)	
	Endrin			
Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards(8)	
D013(9) Wastes that are TC for Lindane based on the toxicity leaching procedure (TCLP) in SW-846 Method 1311.	319-84-6	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)	
	alpha-BHC			
beta-BHC	319-85-7	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)	
delta-BHC	319-86-8	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)	
gamma-BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)	
D014(9) Wastes that are TC for Methoxychlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards(8)	
	Methoxychlor			
D015(9) Wastes that are TC for Toxaphene based on the toxicity characteristic leaching				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

procedure (TCCLP) in SW-846 Method 1311.

Toxaphene

8001-35-2

BIODG or
CMBST

2.6
and meet
Section
728.148
standards(8)

D016(9)

Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.

2,4-D (2,4-Dichloro-

94-75-7

CHOXD;

phenoxyacetic acid)

BIODG; or

CMBST

10

and meet
Section
728.148
standards(8)

D017(9)

Wastes that are TC for 2,4,5-TP (Silvex) based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.

2,4,5-TP (Silvex)

93-72-1

CHOXD or

CMBST

7.9

and meet
Section
728.148
standards(8)

D018(9)

Wastes that are TC for Benzene based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.

Benzene

71-43-2

0.14

and meet
Section
728.148
standards(8)

D019(9)

Wastes that are TC for Carbon tetrachloride based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.

Carbon tetrachloride

56-23-5

0.057

and meet
Section
728.148
standards(8)

D020(9)

Wastes that are TC for Chlordane based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.

Chlordane (alpha and

57-74-9

0.0033

and meet

0.26
and meet

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section
728.148
standards(8)

Section
728.148
standards(8)

D021(9)

Wastes that are TC for Chlorobenzene based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.

Chlorobenzene

108-90-7

0.057

and meet

Section
728.148
standards(8)

6.0

and meet

Section
728.148
standards(8)

D022(9)

Wastes that are TC for Chloroform based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.

Chloroform

67-66-3

0.046

and meet

Section
728.148
standards(8)

6.0

and meet

Section
728.148
standards(8)

D023(9)

Wastes that are TC for o-Cresol based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.

O-Cresol

95-48-7

0.11

and meet

Section
728.148
standards(8)

5.6

and meet

Section
728.148
standards(8)

D024(9)

Wastes that are TC for m-Cresol based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.

m-Cresol

108-39-4

0.77

and meet

Section
728.148
standards(8)

5.6

and meet

Section
728.148
standards(8)

D025(9)

Wastes that are TC for p-Cresol based on the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.

p-Cresol

106-44-5

0.77

and meet

Section
728.148
standards(8)

5.6

and meet

Section
728.148
standards(8)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- D026(9)
Wastes that are TC for Cresols (Total) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Cresol-mixed isomers 1319-77-3 0.88 11.2 and meet Section 728.148 standards(8)
- (Cresylic acid)
(sum of o-, m-, and p-cresol concentrations)
- D027(9)
Wastes that are TC for p-Dichlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
p-Dichlorobenzene (1,4- 106-46-7 0.090 6.0 and meet Section 728.148 standards(8)
- Dichlorobenzene)
- D028(9)
Wastes that are TC for 1,2-Dichloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
1,2-Dichloroethane 107-06-2 0.21 6.0 and meet Section 728.148 standards(8)
- D029(9)
Wastes that are TC for 1,1-Dichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
1,1-Dichloroethylene 75-35-4 0.025 6.0 and meet Section 728.148 standards(8)
- D030(9)
Wastes that are TC for 2,4-Dinitrotoluene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
2,4-Dinitrotoluene 121-14-2 0.32 140 and meet Section 728.148 standards(8)
- D031(9)
Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- Heptachlor 76-44-8 0.0012 and meet Section 728.148 standards(8)
- Heptachlor epoxide 1024-57-3 0.016 and meet Section 728.148 standards(8)
- D032(9)
Wastes that are TC for Hexachlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Hexachlorobenzene 118-74-1 0.055 10 and meet Section 728.148 standards(8)
- D033(9)
Wastes that are TC for Hexachlorobutadiene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Hexachlorobutadiene 87-68-3 0.055 5.6 and meet Section 728.148 standards(8)
- D034(9)
Wastes that are TC for Hexachloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Hexachloroethane 67-72-1 0.055 30 and meet Section 728.148 standards(8)
- D035(9)
Wastes that are TC for Methyl ethyl ketone based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Methyl ethyl ketone 78-93-3 0.28 36 and meet Section 728.148 standards(8)
- D036(9)
Wastes that are TC for Nitrobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards(8)	14 and meet Section 728.148 standards(8)
D037(9) Wastes that are TC for Pentachlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)
D038(9) Wastes that are TC for Pyridine based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pyridine	110-86-1	0.014 and meet Section 728.148 standards(8)	16 and meet Section 728.148 standards(8)
D039(9) Wastes that are TC for Tetrachloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D040(9) Wastes that are TC for Trichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D041(9) Wastes that are TC for 2,4,5-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section	7.4 and meet Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

D042(9) Wastes that are TC for 2,4,6-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)
D043(9) Wastes that are TC for Vinyl chloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
F001, F002, F003, F004, & F005 F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethene, 1,2,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131	67-64-1 71-43-2 71-36-3 75-15-0 56-23-5 108-90-7 95-48-7 108-39-4	0.28 0.14 5.6 3.8 0.057 0.057 0.11 0.77	160 10 2.6 NA 6.0 6.0 5.6 5.6
Acetone	67-64-1	0.28	160
Benzene	71-43-2	0.14	10
n-Butyl alcohol	71-36-3	5.6	2.6
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1319-77-3 0.88 11.2

Cresol-mixed isomers
(Cresylic acid)
(sum of o-, m-, and p-
cresol concentrations)

108-94-1

0.36

NA

Cyclohexanone

95-50-1

0.088

6.0

o-Dichlorobenzene

141-78-6

0.34

33

Ethyl acetate

100-41-4

0.057

10

Ethyl benzene

60-29-7

0.12

160

Ethyl ether

78-83-1

5.6

170

Isobutyl alcohol

67-56-1

5.6

NA

Methanol

75-9-2

0.089

30

Methylene chloride

78-93-3

0.28

36

Methyl ethyl ketone

108-10-1

0.14

33

Methyl isobutyl ketone

98-95-3

0.068

14

Nitrobenzene

110-86-1

0.014

16

Pyridine

127-18-4

0.056

6.0

Tetrachloroethylene

108-88-3

0.080

10

Toluene

71-55-6

0.054

6.0

1,1,1-Trichloroethane

79-00-5

0.054

6.0

1,1,2-Trichloroethane

76-13-1

0.057

30

1,1,2-Trichloro-1,2,2-trifluoroethane

79-01-6

0.054

6.0

Trichloroethylene

75-69-4

0.020

30

Trichloromonofluoro-

methane

1330-20-7

0.32

30

Xylenes-mixed isomers

(sum of o-, m-, and p-
xylene concentrations)

F001, F002, F003, F004 & F005
F003 and F005 solvent wastes that contain any combination of one or more of
the following three solvents as the only listed F001 through F005
solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section
728.141(c))

75-15-0

3.8

4.8 mg/l TCLP

Carbon disulfide

108-94-1

0.36

0.75 mg/l TCLP

Cyclohexanone

67-56-1

5.6

0.75 mg/l TCLP

Methanol

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through

F005 solvent.

2-Nitropropane

79-46-9

(WETOX or
CHOXD) fb

CMBST

CARN; or
CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

F005 solvent.

2-Ethoxyethanol

110-80-5

BIODG; or
CMBST

CMBST

F006

Wastewater treatment sludges from electroplating operations except from the
following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating
on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4)
aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping
associated with tin, zinc, and aluminum plating on carbon steel; and (6)
chemical etching and milling of aluminum.

Cadmium

7440-43-9

0.69

0.11 mg/l TCLP

Chromium

7440-47-3

2.77

0.60 mg/l TCLP

Cyanides (Total)

57-12-5

1.2

590

Cyanides (Amenable)

57-12-5

0.86

30

Lead

7439-92-1

0.69

0.75 mg/l TCLP

Nickel

7440-02-0

3.98

11 mg/l TCLP

Silver

7440-22-4

NA

0.14 mg/l TCLP

F007

Spent cyanide plating bath solutions from electroplating operations.

Cadmium

7440-43-9

NA

0.11 mg/l TCLP

Chromium

7440-47-3

2.77

0.60 mg/l TCLP

Cyanides (Total)

57-12-5

1.2

590

Cyanides (Amenable)

57-12-5

0.86

30

Lead

7439-92-1

0.69

0.75 mg/l TCLP

Nickel

7440-02-0

3.98

11 mg/l TCLP

Silver

7440-22-4

NA

0.14 mg/l TCLP

F008

Plating bath residues from the bottom of plating baths from electroplating
operations where cyanides are used in the process.

Cadmium

7440-43-9

NA

0.11 mg/l TCLP

Chromium

7440-47-3

2.77

0.60 mg/l TCLP

Cyanides (Total)

57-12-5

1.2

590

Cyanides (Amenable)

57-12-5

0.86

30

Lead

7439-92-1

0.69

0.75 mg/l TCLP

Nickel

7440-02-0

3.98

11 mg/l TCLP

Silver

7440-22-4

NA

0.14 mg/l TCLP

F009

Spent stripping and cleaning bath solutions from electroplating operations
where cyanides are used in the process.

Cadmium

7440-43-9

NA

0.11 mg/l TCLP

Chromium

7440-47-3

2.77

0.60 mg/l TCLP

Cyanides (Total)

57-12-5

1.2

590

Cyanides (Amenable)

57-12-5

0.86

30

Lead

7439-92-1

0.69

0.75 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F010			
Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.			
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	NA
F011			
Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.			
Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F012			
Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.			
Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F019			
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
F020, F021, F022, F023, F026			
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).			
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Penta-chloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
F024			
Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)			
All F024 wastes	NA	CMBST(11)	CMBST(11)
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
bis(2-Ethylhexyl)-phthalate	117-81-7	0.28	28
Hexachloroethane	67-72-1	0.055	30

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
F025			
Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution.			
F025--Light Ends Subcategory.			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

dibenzofurans)			
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative dripage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or penta-chlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthra-			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

cene	56-55-3	0.059	3.4
Benzo(b)fluor- anethene	205-99-2	0.11	6.8
(difficult to distinguish from benzo(k)- fluoranthene)			
Benzo(k)fluor- anethene	207-08-9	0.11	6.8
(difficult to distinguish from benzo(b)- fluoranthene)			
Benzo(a)py- rene	50-32-8 218-01-9	0.061 0.059	3.4 3.4
Chrysene			
Dibenz(a,h)- anthracene	53-70-3	0.055	8.2
2-4-Dimethyl phenol	105-67-9	0.036	14
Fluorene	86-73-7	0.059	3.4
Hexachlorodibenzo- p-dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Hexachloro- dibenzofuran- ans	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Indeno (1,2,3- c,d) pyrene	193-39-5 91-20-3	0.0055 0.059	3.4 5.6
Naphthalene			
Pentachloro- dibenzo-p- dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Pentachloro- dibenzofurans	NA	0.000035 or CMBST(11)	0.001 or CMBST(11)
Pentachloro- phenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Tetrachloro- dibenzo-p- dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Tetrachloro- dibenzo- furans	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
2,3,4,6-Tetra chlorophenol	58-90-2	0.030	7.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2,4,6-Tri- chlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
F034			
Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drillage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.			
Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benzo(a)anth- racene	56-55-3	0.059	3.4
Benzo(b)fluor- anethene	205-99-2	0.11	6.8
(difficult to distinguish from benzo(k)- fluoranthene)			
Benzo(k)fluor- anethene	207-08-9	0.11	6.8
(difficult to distinguish from benzo(b)- fluoranthene)			
Benzo(a)- pyrene	50-32-8 218-01-9	0.061 0.059	3.4 3.4
Chrysene			
Dibenz(a,h)- anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno (1,2,3- c,d) pyrene	193-39-5 91-20-3	0.0055 0.059	3.4 5.6
Naphthalene	85-01-8	0.059	5.6
Phenanthrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

F035

Wastewaters (except those that have not come into contact with process
contaminants), process residuals, preservative drillage, and spent formulations
from wood preserving processes that are generated at plants that use inorganic
preservatives containing arsenic or chromium. This listing does not include

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol. 5.0 mg/l TCLP
Arsenic 1.4
Chromium (Total) 2.77
7440-38-2
7440-47-3

F037
Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

F038
Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated

in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

F039
Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)-ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Diethyl phthalate	60-57-1	0.017	0.13
2-4-Dimethyl phenol	84-66-2	0.20	28
Dimethyl phthalate	105-67-9	0.036	14
Di-n-butyl phthalate	131-11-3	0.047	28
	84-74-2	0.057	28

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chemical Name	Adopted Amendment	Adopted Amendment	Adopted Amendment	Adopted Amendment	Adopted Amendment
1,4-Dinitrobenzene	100-25-4	0.32	2.3	Hexachlorocyclopenta-	77-47-4
4,6-Dinitro-o-cresol	534-52-1	0.28	160	diene	NA
2,4-Dinitrophenol	51-28-5	0.12	160	HxCDDs (All Hexachloro-	NA
2,4-Dinitrotoluene	121-14-2	0.32	140	dibenzo-p-dioxins)	0.000063
2,6-Dinitrotoluene	606-20-2	0.55	28	HxCDFs (All Hexachloro-	NA
Di-n-octyl phthalate	117-84-0	0.017	28	dibenzofurans)	0.000063
Di-n-propylnitrosamine	621-64-7	0.40	14	Hexachloroethane	67-72-1
1,4-Dioxane	123-91-1	12.0	170	Hexachloropropylene	1888-71-7
Diphenylamine (difficult	122-39-4	0.92	NA	Indeno (1,2,3-c,d)	193-39-5
to distinguish from				pyrene	0.0055
diphenylnitrosamine)				Iodomethane	74-88-4
Diphenylnitrosamine	86-30-6	0.92	NA	Isobutyl alcohol	78-83-1
(difficult to				Isodrin	465-73-6
distinguish from				Isosafrole	120-58-1
diphenylamine)				Kepone	143-50-8
1,2-Diphenylhydrazine	122-66-7	0.087	NA	Methacrylonitrile	126-98-7
Disulfoton	298-04-4	0.017	6.2	Methanol	67-56-1
Endosulfan I	939-98-8	0.023	0.066	Methapyrilene	91-80-5
Endosulfan II	33213-6-5	0.029	0.13	Methoxychlor	72-43-5
Endosulfan sulfate	1031-07-8	0.029	0.13	3-Methylcholanthrene	56-49-5
Endrin	72-20-8	0.0028	0.13	4,4-Methylene bis(2-	101-14-4
Endrin aldehyde	7421-93-4	0.025	0.13	chloroaniline)	
Ethyl acetate	141-78-6	0.34	33	Methylene chloride	75-09-2
Ethyl cyanide (Propane-	107-12-0	0.24	360	Methyl ethyl ketone	78-93-3
nitrile)				Methyl isobutyl ketone	108-10-1
Ethyl benzene	100-41-4	0.057	10	Methyl methacrylate	80-62-6
Ethyl ether	60-29-7	0.12	160	Methyl methansulfonate	66-27-3
bis(2-Ethylhexyl)	117-81-7	0.28	28	Methyl parathion	298-00-0
phthalate				Naphthalene	91-20-3
Ethyl methacrylate	97-63-2	0.14	160	2-Naphthylamine	91-59-8
Ethylene oxide	75-21-8	0.12	NA	p-Nitroaniline	100-01-6
Famphur	52-85-7	0.017	15	Nitrobenzene	98-95-3
Fluoranthene	206-44-0	0.068	3.4	5-Nitro-o-toluidine	99-55-8
Fluorene	86-73-7	0.059	3.4	p-Nitrophenol	100-02-7
Heptachlor	76-44-8	0.0012	0.066	N-Nitrosodiethylamine	55-18-5
1,2,3,4,6,7,8-	35822-46-9	0.000035	0.0025	N-Nitrosodimethylamine	62-75-9
Heptachlorodibenzop-				N-Nitroso-di-n-butyl-	924-16-3
dioxin	67562-39-4	0.000035	0.0025	amine	0.40
(1,2,3,4,6,7,8-HpCDD)				N-Nitrosomethylethyl-	10595-95-6
1,2,3,4,6,7,8-				amine	0.40
Heptachlorodibenzofuran				N-Nitrosomorpholine	59-89-2
(1,2,3,4,6,7,8-HpCDF)				N-Nitrosopiperidine	100-75-4
1,2,3,4,7,8,9-				N-Nitrosopyrrolidine	930-55-2
Heptachlorodibenzofuran	55673-89-7	0.000035	0.0025	1,2,3,4,6,7,8,9-	3268-87-9
(1,2,3,4,7,8,9-HpCDF)				Octachlorodibenzop-	
Heptachlor epoxide	1024-57-3	0.016	0.066	dioxin (1,2,3,4,6,7,8,9-	
Hexachlorobenzene	118-74-1	0.055	10	OCDD)	
Hexachlorobutadiene	87-68-3	0.055	5.6	Parathion	56-38-2

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chemical Name	Adopted Amendment	Adopted Amendment	Adopted Amendment	Adopted Amendment	Adopted Amendment
Hexachlorocyclopenta-	77-47-4	0.057	2.4	Hexachlorocyclopenta-	77-47-4
diene	NA	0.000063	0.001	diene	NA
HxCDDs (All Hexachloro-	NA	0.000063	0.001	HxCDDs (All Hexachloro-	NA
dibenzo-p-dioxins)				dibenzo-p-dioxins)	
HxCDFs (All Hexachloro-	NA	0.000063	0.001	HxCDFs (All Hexachloro-	NA
dibenzofurans)				dibenzofurans)	
Hexachloroethane	67-72-1	0.055	30	Hexachloroethane	67-72-1
Hexachloropropylene	1888-71-7	0.035	30	Hexachloropropylene	1888-71-7
Indeno (1,2,3-c,d)	193-39-5	0.0055	3.4	Indeno (1,2,3-c,d)	193-39-5
pyrene				pyrene	
Iodomethane	74-88-4	0.19	65	Iodomethane	74-88-4
Isobutyl alcohol	78-83-1	5.6	170	Isobutyl alcohol	78-83-1
Isodrin	465-73-6	0.021	0.066	Isodrin	465-73-6
Isosafrole	120-58-1	0.081	2.6	Isosafrole	120-58-1
Kepone	143-50-8	0.0011	0.13	Kepone	143-50-8
Methacrylonitrile	126-98-7	0.24	84	Methacrylonitrile	126-98-7
Methanol	67-56-1	5.6	NA	Methanol	67-56-1
Methapyrilene	91-80-5	0.081	1.5	Methapyrilene	91-80-5
Methoxychlor	72-43-5	0.25	0.18	Methoxychlor	72-43-5
3-Methylcholanthrene	56-49-5	0.0055	15	3-Methylcholanthrene	56-49-5
4,4-Methylene bis(2-	101-14-4	0.50	30	4,4-Methylene bis(2-	101-14-4
chloroaniline)				chloroaniline)	
Methylene chloride	75-09-2	0.089	30	Methylene chloride	75-09-2
Methyl ethyl ketone	78-93-3	0.28	36	Methyl ethyl ketone	78-93-3
Methyl isobutyl ketone	108-10-1	0.14	33	Methyl isobutyl ketone	108-10-1
Methyl methacrylate	80-62-6	0.14	160	Methyl methacrylate	80-62-6
Methyl methansulfonate	66-27-3	0.018	NA	Methyl methansulfonate	66-27-3
Methyl parathion	298-00-0	0.014	4.6	Methyl parathion	298-00-0
Naphthalene	91-20-3	0.059	5.6	Naphthalene	91-20-3
2-Naphthylamine	91-59-8	0.52	NA	2-Naphthylamine	91-59-8
p-Nitroaniline	100-01-6	0.028	28	p-Nitroaniline	100-01-6
Nitrobenzene	98-95-3	0.068	14	Nitrobenzene	98-95-3
5-Nitro-o-toluidine	99-55-8	0.32	28	5-Nitro-o-toluidine	99-55-8
p-Nitrophenol	100-02-7	0.12	29	p-Nitrophenol	100-02-7
N-Nitrosodiethylamine	55-18-5	0.40	28	N-Nitrosodiethylamine	55-18-5
N-Nitrosodimethylamine	62-75-9	0.40	NA	N-Nitrosodimethylamine	62-75-9
N-Nitroso-di-n-butyl-	924-16-3	0.40	17	N-Nitroso-di-n-butyl-	924-16-3
amine				amine	
N-Nitrosomethylethyl-	10595-95-6	0.40	2.3	N-Nitrosomethylethyl-	10595-95-6
amine				amine	
N-Nitrosomorpholine	59-89-2	0.40	2.3	N-Nitrosomorpholine	59-89-2
N-Nitrosopiperidine	100-75-4	0.013	35	N-Nitrosopiperidine	100-75-4
N-Nitrosopyrrolidine	930-55-2	0.013	35	N-Nitrosopyrrolidine	930-55-2
1,2,3,4,6,7,8,9-	3268-87-9	0.000063	0.0025	1,2,3,4,6,7,8,9-	3268-87-9
Octachlorodibenzop-				Octachlorodibenzop-	
dioxin (1,2,3,4,6,7,8,9-				dioxin (1,2,3,4,6,7,8,9-	
OCDD)				OCDD)	
Parathion	56-38-2	0.014	4.6	Parathion	56-38-2

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PCDDs (All Pentachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
PCDFs (All Penta- chlorodibenzofurans)	NA	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Promamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromo- methane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro- methane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-	76-13-1	0.057	30

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

trifluoroethane	126-72-7	0.11	NA
tris(2,3-Dibromopropyl) phosphate	75-01-4	0.27	6.0
Vinyl chloride	1330-20-7	0.32	30
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	7440-36-0	1.9	1.15 mg/l TCLP
Antimony	7440-38-2	1.4	5.0 mg/l TCLP
Arsenic	7440-39-3	1.2	21 mg/l TCLP
Barium	7440-41-7	0.82	NA
Beryllium	7440-43-9	0.69	0.11 mg/l TCLP
Cadmium	7440-47-3	2.77	0.60 mg/l TCLP
Chromium (Total)	57-12-5	1.2	590
Cyanides (Total)(7)	57-12-5	0.86	NA
Cyanides (Amenable)(7)	16964-48-8	35	NA
Fluoride	7439-92-1	0.69	0.75 mg/l TCLP
Lead	7439-97-6	0.15	0.025 mg/l TCLP
Mercury	7440-02-0	3.98	11 mg/l TCLP
Nickel	7782-49-2	0.82	5.7 mg/l TCLP
Selenium	7440-22-4	0.43	0.14 mg/l TCLP
Silver	8496-25-8	14	NA
Sulfide	7440-28-0	1.4	NA
Thallium	7440-62-2	4.3	NA
Vanadium			
K001			
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.			
Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K002			
Wastewater treatment sludge from the production of chrome pigments.			yellow and orange
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K003			
Wastewater treatment sludge from the production of molybdate orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Lead	7439-92-1	0.69	0.75 mg/l TCLP
K004			
Wastewater treatment sludge from the production of zinc yellow pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K005			
Wastewater treatment sludge from the production of chrome green pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
K006			
Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K006			
Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
K007			
Wastewater treatment sludge from the production of iron blue pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
K008			
Oven residue from the production of chrome oxide green pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K009			
Distillation bottoms from the production of acetaldehyde from ethylene.			
Chloroform	67-66-3	0.046	6.0
K010			
Distillation side cuts from the production of acetaldehyde from ethylene.			
Chloroform	67-66-3	0.046	6.0
K011			
Bottom stream from the wastewater stripper in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
K013			
Bottom stream from the acetonitrile column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
K014			
Bottoms from the acetonitrile purification column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
K015			
Still bottoms from the distillation of benzyl chloride.			
Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
K016			
Heavy ends or distillation residues from the production of carbon tetrachloride.			
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.				
	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0	
	1,2-Dichloropropane	78-87-5	0.85	18	
	1,2,3-Trichloropropane	96-18-4	0.85	30	
K018	Heavy ends from the fractionation column in ethyl chloride production.				
	Chloroethane	75-00-3	0.27	6.0	
	Chloromethane	74-87-3	0.19	NA	
	1,1,-Dichloroethane	75-34-3	0.059	6.0	
	1,2-Dichloroethane	107-06-2	0.21	6.0	
	Hexachlorobenzene	118-74-1	0.055	10	
	Hexachlorobutadiene	87-68-3	0.055	5.6	
	Hexachloroethane	67-72-1	0.055	30	
	Pentachloroethane	76-01-7	NA	6.0	
	1,1,1-Trichloroethane	71-55-6	0.054	6.0	

K019 Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0	
	Chlorobenzene	108-90-7	0.057	6.0	
	Chloroform	67-66-3	0.046	6.0	
	p-Dichlorobenzene	106-46-7	0.090	NA	
	1,2-Dichloroethane	107-06-2	0.21	6.0	
	Fluorene	86-73-7	0.059	NA	
	Hexachloroethane	67-72-1	0.055	30	
	Naphthalene	91-20-3	0.059	5.6	
	Phenanthrene	85-01-8	0.059	5.6	
	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA	
	Tetrachloroethylene	127-18-4	0.056	6.0	
	1,2,4-Trichlorobenzene	120-82-1	0.055	19	
	1,1,1-Trichloroethane	71-55-6	0.054	6.0	

K020 Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

	1,2-Dichloroethane	107-06-2	0.21	6.0	
	1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0	
	Tetrachloroethylene	127-18-4	0.056	6.0	

K021 Aqueous spent antimony catalyst waste from fluoromethanes production. Carbon tetrachloride

56-23-5	0.057	6.0	
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chloroform	67-66-3	0.046	6.0	
Antimony	7440-36-0	1.9	1.15 mg/l	TCLP
K022	Distillation bottom tars from the production of phenol or acetone from cumene.			
	Toluene	108-88-3	0.080	10
	Acetophenone	96-86-2	0.010	9.7
	Diphenylamine	122-39-4	0.92	13
	(difficult to distinguish from diphenylnitrosamine)			
	Diphenylnitrosamine	86-30-6	0.92	13
	(difficult to distinguish from diphenylamine)			
	Phenol	108-95-2	0.039	6.2
	Chromium (Total)	7440-47-3	2.77	0.60 mg/l
	Nickel	7440-02-0	3.98	11 mg/l
				TCLP

K023 Distillation light ends from the production of phthalic anhydride from naphthalene.

	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K024 Distillation bottoms from the production of phthalic anhydride from naphthalene.

	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K025 Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LLEXT fb	SSTRP	CMBST
		fb	CARBN;	or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

CMBST

K026 Stripping still tails from the production of methyl ethyl pyridines.
NA
CMBST

K027 Centrifuge and distillation residues from the toluene diisocyanate production.
NA
CMBST

K028 Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.
1,1,1-trichloroethane 75-34-3 0.059 6.0
trans-1,2-Dichloro-ethylene 156-60-5 0.054 30
Hexachlorobutadiene 87-68-3 0.055 5.6
Hexachloroethane 67-72-1 0.055 30
Pentachloroethane 76-01-7 NA 6.0
1,1,1,2-Tetrachloro-ethane 630-20-6 0.057 6.0
1,1,2,2-Tetrachloro-ethane 79-34-6 0.057 6.0
Tetrachloroethylene 127-18-4 0.056 6.0
1,1,1-Trichloroethane 71-55-6 0.054 6.0
1,1,2-Trichloroethane 79-00-5 0.054 6.0
Cadmium 7440-43-9 0.69 NA
Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP
Lead 7439-92-1 0.69 0.75 mg/l TCLP
Nickel 7440-02-0 3.98 11 mg/l TCLP

K029 Waste from the product steam stripper in the production of 1,1,1-trichloroethane.
Chloroform 67-66-3 0.046 6.0
1,2-Dichloroethane 107-06-2 0.21 6.0
1,1,1-Dichloroethylene 75-35-4 0.025 6.0
1,1,1-Trichloroethane 71-55-6 0.054 6.0
Vinyl chloride 75-01-4 0.27 6.0

K030 Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.
o-Dichlorobenzene 95-50-1 0.088 NA
p-Dichlorobenzene 106-46-7 0.090 NA
Hexachlorobutadiene 87-68-3 0.055 5.6
Hexachloroethane 67-72-1 0.055 30

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hexachloropropylene 1888-71-7 NA 30
Pentachlorobenzene 608-93-5 NA 10
Pentachloroethane 76-01-7 NA 6.0
1,2,4,5-Tetrachloro-benzene 95-94-3 0.055 14
Tetrachloroethylene 127-18-4 0.056 6.0
1,2,4-Trichlorobenzene 120-82-1 0.055 19

K031 By-product salts generated in the production of MSMA and cacodylic acid.
Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

K032 Wastewater treatment sludge from the production of chlordane.
Hexachlorocyclopenta-diene 77-47-4 0.057 2.4
Chlordane (alpha and gamma isomers) 57-74-9 0.0033 0.26
Heptachlor 76-44-8 0.0012 0.066
Heptachlor epoxide 1024-57-3 0.016 0.066

K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.
Hexachlorocyclopenta-diene 77-47-4 0.057 2.4

K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.
Hexachlorocyclopenta-diene 77-47-4 0.057 2.4

K035 Wastewater treatment sludges generated in the production of creosote.
Acenaphthene 83-32-9 NA 3.4
Anthracene 120-12-7 NA 3.4
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Chrysene 218-01-9 0.059 3.4
o-Cresol 95-48-7 0.11 5.6
m-Cresol 108-39-4 0.77 5.6
(difficult to distinguish from p-cresol)
p-Cresol 106-44-5 0.77 5.6
(difficult to distinguish from m-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-33	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

K049
Slop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

K050
Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K051	API separator sludge from the petroleum refining industry.		
Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP
K052	Tank bottoms (lead) from the petroleum refining industry.		
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p- cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m- cresol)			
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylene-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP
K060			
Ammonia still lime sludge from coking operations.			
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
K061			
Emission control dust or sludge from the primary production of steel in electric furnaces.			
Antimony	7440-36-0	NA	1.15 mg/l TCLP
Arsenic	7440-38-2	NA	5.0 mg/l TCLP
Barium	7440-39-3	NA	21 mg/l TCLP
Beryllium	7440-41-7	NA	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	NA	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	NA	5.7 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
Thallium	7440-28-0	NA	0.20 mg/l TCLP
Zinc	7440-66-6	NA	4.3 mg/l TCLP
K062			
Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).			
Chromium (Total)	7740-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	NA
K069			
Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory			
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K069			
Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory			
NA	NA	NA	RLEAD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K071			
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.	7439-97-6	NA	0.20 mg/l TCLP
Mercury			
K071			
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.	7439-97-6	NA	0.025 mg/l TCLP
Mercury			
K071			
All K071 wastewaters.	7439-97-6	0.15	NA
Mercury			
K073			
Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
K083			
Distillation bottoms from aniline production.			
Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine	122-39-4	0.92	13
(difficult to distinguish from diphenylnitrosamine)			
Diphenylnitrosamine	86-30-6	0.92	13
(difficult to distinguish from diphenylamine)			
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Nickel	7440-02-0	3.98	11 mg/l TCLP
K084			
Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	7440-38-2	1.4	5.0 mg/l TCLP
Arsenic			
K085			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Distillation or fractionation column bottoms from the production of chlorobenzenes.		
Benzene	71-43-2	0.14
Chlorobenzene	108-90-7	0.057
m-Dichlorobenzene	541-73-1	0.036
p-Dichlorobenzene	95-50-1	0.088
Hexachlorobenzene	106-46-7	0.090
Total PCBs	118-74-1	0.055
(sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10
Pentachlorobenzene	608-93-5	0.055
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055
1,2,4-Trichlorobenzene	120-82-1	0.055

K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone	67-64-1	0.28	160
Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.34	33
Ethylbenzene	100-41-4	0.057	10
Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30
Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	30
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/1 TCLP
Cyanides (Total)(7)	57-12-5	1.2	590

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Lead	7439-92-1	0.69	0.75 mg/1 TCLP
K087			
Decanter tank tar sludge from coking operations.			
Acenaphthylene	208-96-8	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/1 TCLP
K088			
Spent potliners from primary aluminum reduction.			
Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.15 mg/1 TCLP
Arsenic	7440-38-2	1.4	26.1 mg/1
Barium	7440-39-3	1.2	21 mg/1 TCLP
Beryllium	7440-41-7	0.82	1.22 mg/1
Cadmium	7440-43-9	0.69	TCLP
Chromium (Total)	7440-47-3	2.77	0.11 mg/1 TCLP
Lead	7439-92-1	0.69	0.60 mg/1 TCLP
Mercury	7439-97-6	0.15	0.75 mg/1 TCLP
Nickel	7440-02-0	3.98	0.025 mg/1
Selenium	7782-49-2	0.82	TCLP
Silver	7440-22-4	0.43	11 mg/1 TCLP
Cyanide (Total)(7)	57-12-5	1.2	5.7 mg/1 TCLP
Cyanide (Amenable)(7)	57-12-5	0.86	0.14 mg/1 TCLP
Fluoride	16984-48-8	35	590

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.				
	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28	
	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28	
	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	100-21-0	0.055	28	
	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28	
K094	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28	
	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28	
	Distillation bottoms from the production of 1,1,1-trichloroethane.	67-72-1	0.055	30	
	Hexachloroethane	76-01-7	0.055	6.0	
	Pentachloroethane	630-20-6	0.057	6.0	
K095	1,1,1,2-Tetrachloroethane	79-34-6	0.057	6.0	
	1,1,2,2-Tetrachloroethane	127-18-4	0.056	6.0	
	1,1,2-Trichloroethane	79-00-5	0.054	6.0	
	Trichloroethylene	79-01-6	0.054	6.0	
	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	541-73-1	0.036	6.0	
K096	m-Dichlorobenzene	76-01-7	0.055	6.0	
	Pentachloroethane	630-20-6	0.057	6.0	
	1,1,1,2-Tetrachloroethane	79-34-6	0.057	6.0	
	1,1,2,2-Tetrachloroethane	127-18-4	0.056	6.0	
	1,2,4-Trichlorobenzene	120-82-1	0.055	19	
	1,1,2-Trichloroethane	79-00-5	0.054	6.0	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K097	Trichloroethylene	79-01-6	0.054	6.0	
	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.				
	Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26	
	Heptachlor	76-44-8	0.0012	0.066	
	Heptachlor epoxide	1024-57-3	0.016	0.066	
K098	Hexachlorocyclopentadiene	77-47-4	0.057	2.4	
	Untreated process wastewater from the production of toxaphene.				
	Toxaphene	8001-35-2	0.0095	2.6	
	Untreated wastewater from the production of 2,4-D.				
	2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10	
K099	HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001	
	HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001	
	PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001	
	PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001	
	TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001	
K100	TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001	
	Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.				
	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP	
	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP	
	Lead	7439-92-1	0.69	0.75 mg/l TCLP	
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.				
	o-Nitroaniline	88-74-4	0.27	14	
	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
	Cadmium	7440-43-9	0.69	NA	
	Lead	7439-92-1	0.69	NA	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Mercury	7439-97-6	0.15	NA
K102			
Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.			
O-Nitrophenol	88-75-5	0.028	13
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA
K103			
Process residues from aniline extraction from the production of aniline.			
Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
K104			
Combined wastewater streams generated from nitrobenzene or aniline production.			
Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
K105			
Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.			
Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
O-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
K106			
K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	RMERC
K106			
K106 (wastewater treatment sludge from the mercury cell process in chlorine			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.			
Mercury	7439-97-6	NA	0.20 mg/l TCLP
K106			
Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.			
Mercury	7439-97-6	NA	0.025 mg/l TCLP
K106			
All K106 wastewaters.			
Mercury	7439-97-6	0.15	NA
K107			
Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST;	CMBST
		or CHOXD fb	
		CARBN; or	
		BIODG fb CARBN	
K108			
Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST;	CMBST
		or CHOXD fb	
		CARBN; or	
		BIODG fb CARBN	
K109			
Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST;	CMBST
		or CHOXD fb	
		CARBN; or	
		BIODG fb CARBN	
K110			
Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST;	CMBST
		or CHOXD fb	
		CARBN; or	
		BIODG fb CARBN	
K111			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Product washwaters from the production of dinitrotoluene via nitration of toluene.
 2,4-Dinitrotoluene 121-1-1 0.32 140
 2,6-Dinitrotoluene 606-20-2 0.55 28

K112 Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA
 NA
 CMBST;
 or CHOXD fb
 CARN; or
 BIODG fb CARN CMBST

K113 Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA
 NA
 CARN; or
 CMBST

K114 Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA
 NA
 CARN; or
 CMBST

K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

Nickel 7440-02-0 3.98 11 mg/l TCLP
 NA
 CARN; or
 CMBST

K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.

NA
 NA
 CARN; or
 CMBST

K117 Wastewater from the reactor vent gas scrubber in the production of dibromide via bromination of ethene.

Methyl bromide (Bromo- 74-83-9 0.11 15
 methane)
 Chloroform 67-66-3 0.046 6.0
 Ethylene-dibromide 106-93-4 0.028 15
 (1,2-Dibromoethane)

K118

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.
 Methyl bromide (Bromo- 74-83-9 0.11 15
 methane)

Chloroform 67-66-3 0.046 6.0
 Ethylene dibromide 106-93-4 0.028 15
 (1,2-Dibromoethane)

K123

Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.

NA
 NA
 CMBST;
 or CHOXD fb
 (BIODG or
 CARN) CMBST

K124

Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.

NA
 NA
 CMBST;
 or CHOXD fb
 (BIODG or
 CARN) CMBST

K125

Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.

NA
 NA
 CMBST;
 or CHOXD fb
 (BIODG or
 CARN) CMBST

K126

Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.

NA
 NA
 CMBST;
 or CHOXD fb
 (BIODG or
 CARN) CMBST

K131

Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.

Methyl bromide (Bromo- 74-83-9 0.11 15
 methane)

K132

Spent absorbent and wastewater separator solids from the production of methyl

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

bromide.
Methyl bromide (Bromo-
methane) 74-83-9 0.11 15

K136

Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo-
methane) 74-83-9 0.11 15
Chloroform 67-66-3 0.046 6.0
Ethylene dibromide 106-93-4 0.028 15
(1,2-Dibromoethane)

K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-2-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to

distinguish from benzo-

(k)fluoranthene)

Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to

distinguish from benzo-

(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to

distinguish from benzo-

(k)fluoranthene)

Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to

distinguish from benzo-

(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to

distinguish from benzo-

(k)fluoranthene)

Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to

distinguish from benzo-

(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to

distinguish from benzo-

(k)fluoranthene)

Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to

distinguish from benzo-

(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Naphthalene 91-20-3 0.059 5.6

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K147			
Tar storage tank residues from coal tar refining.			
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Benz(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benz(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
K148			
Residues from coal tar distillation, including, but not limited to, still bottoms.			
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Benz(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benz(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
K149			
Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)			
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K150			
Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
K151			
Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.			
Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
K156			
Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.(10)			
Acetonitrile	75-05-8	5.6	1.8
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbaryl	63-25-21	0.006	0.14
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081	1.5

K158

Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.

Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159

Organics from the treatment of thiocarbamate wastes.(10)

Benzene	71-43-2	0.14	10
Butylate	2008-41-5	0.042	1.4
EPTC (Eptam)	759-94-4	0.042	1.4
Molinate	2212-67-1	0.042	1.4
Pebulate	1114-71-2	0.042	1.4
Vernolate	1929-77-7	0.042	1.4

K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.

Antimony	7440-36-0	1.9	1.15(11)
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Arsenic	7440-38-2	1.4	5.0(11)
Carbon disulfide	75-15-0	3.8	4.8(11)
Dithiocarbamates (total)	137-30-4	0.028	28
Lead	7439-92-1	0.69	0.75(11)
Nickel	7440-02-0	3.98	11(11)
Selenium	7782-49-2	0.82	5.7(11)

K169

Crude oil tank sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30

K170

Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30

K171

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P006 Aluminum phosphide Aluminum phosphide	20859-73-8	CARBN; or CMBST	CHOXD; CHRED; or CMBST
P007 5-Aminomethyl-3-isoxazolol 5-Aminomethyl-3-isoxa- zolo	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P008 4-Aminopyridine 4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P009 Ammonium picrate Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P010 Arsenic acid Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P011 Arsenic pentoxide Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P012 Arsenic trioxide Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P013 Barium cyanide Barium Cyanides (Total)(7) Cyanides (Amenable)(7)	7440-39-3 57-12-5 57-12-5	NA 1.2 0.86	21 mg/l TCLP 590 30
P014 Thiophenol (Benzene thiol)			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P015 Beryllium dust Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM
P016 Dichloromethyl ether (Bis(chloromethyl)ether) Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017 Bromoacetone Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018 Brucine Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020 2-sec-Butyl-4,6-dinitrophenol (Dinoseb) 2-sec-Butyl-4,6- dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
P021 Calcium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P022 Carbon disulfide Carbon disulfide Carbon disulfide; alternate(6) standard for nonwastewaters only	75-15-0 75-15-0	3.8 NA	CMBST 4.8 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P023 Chloroacetaldehyde Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P024 p-Chloroaniline p-Chloroaniline	106-47-8	0.46	16	
P026 1-(o-Chlorophenyl)thiourea 1-(o-Chlorophenyl)thio- urea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P027 3-Chloropropionitrile 3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P028 Benzyl chloride Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P029 Copper cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	
P030 Cyanides (soluble salts and complexes) Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	
P031 Cyanogen Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST	
P033				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Cyanogen chloride Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST	
P034 2-Cyclohexyl-4,6-dinitrophenol 2-Cyclohexyl-4,6- dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P036 Dichlorophenylarsine Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
P037 Dieldrin Dieldrin	60-57-1	0.017	0.13	
P038 Diethylarsine Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
P039 Disulfoton Disulfoton	298-04-4	0.017	6.2	
P040 O,O-Diethyl-O-pyrazinyl-phosphorothioate O,O-Diethyl-O-pyrazinyl- phosphorothioate	297-97-2	CARBN; or CMBST	CMBST	
P041 Diethyl-p-nitrophenyl phosphate Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST	
P042 Epinephrine Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P043 Diisopropylfluorophosphate (DFP) Diisopropylfluoro- phosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P064	Isocyanic acid, ethyl ester			
	Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P065	(mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	7439-97-6	NA	IMERC
P065	(mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.			
	Mercury	7339-97-6	NA	RMERC
P065	(mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.			
	Mercury	7439-97-6	NA	0.20 mg/l TCLP
P065	(mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.			
	Mercury	7439-97-6	NA	0.025 mg/l TCLP
P065	All P065 (mercury fulminate) wastewaters.			
	Mercury	7439-97-6	0.15	NA
P066	Methomyl			
	Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P067	2-Methyl-aziridine			
	2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P068

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	Methyl hydrazine			
	Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P069	2-Methylacetonitrile			
	2-Methylacetonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P070	Aldicarb			
	Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P071	Methyl parathion			
	Methyl parathion	298-00-0	0.014	4.6
P072	1-Naphthyl-2-thiourea			
	1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P073	Nickel carbonyl			
	Nickel	7440-02-0	3.98	11 mg/l TCLP
P074	Nickel cyanide			
	Cyanides (Total)(7)	57-12-5	1.2	590
	Cyanides (Amenable)(7)	57-12-5	0.86	30
	Nickel	7440-02-0	3.98	11 mg/l TCLP
P075	Nicotine and salts			
	Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P076				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Nitric oxide					
Nitric oxide		ADGAS		ADGAS	
P077					
p-Nitroaniline					
p-Nitroaniline	100-01-6	0.028		28	
P078					
Nitrogen dioxide					
Nitrogen dioxide	10102-44-0	ADGAS		ADGAS	
P081					
Nitroglycerin					
Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG or CMBST		CHOXD; CHRED; or CMBST	
P082					
N-Nitrosodimethylamine					
N-Nitrosodimethylamine	62-75-9	0.40		2.3	
P084					
N-Nitrosomethylvinylamine					
N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST	
P085					
Octamethylpyrophosphoramide					
Octamethylpyrophosphoramide	152-16-9	CARBN; or CMBST		CMBST	
P087					
Osmium tetroxide					
Osmium tetroxide	20816-12-0	RMETL; or RTHRM		RMETL; or RTHRM	
P088					
Endothall					
Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST	
P089					
Parathion					
Parathion	56-38-2	0.014		4.6	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P092					
P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.					
Mercury	7439-97-6	NA		IMERC; or RMERC	
P092					
P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.					
Mercury	7439-97-6	NA		RMERC	
P092					
P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.					
Mercury	7439-97-6	NA		0.20 mg/l TCLP	
P092					
P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.					
Mercury	7439-97-6	NA		0.025 mg/l TCLP	
P092					
All P092 (phenyl mercuric acetate) wastewaters.					
Mercury	7439-97-6	0.15		NA	
P093					
Phenylthiourea					
Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST	
P094					
Phorate					
Phorate	298-02-2	0.021		4.6	
P095					
Phosgene					
Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST	
P096					
Phosphine					

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P097 Phosphine Famphur Famphur	7803-51-2 52-85-7	CHOXD; CHRED; or CMBST 0.017	CHOXD; CHRED; or CMBST 15
P098 Potassium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P099 Potassium silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.14 mg/l TCLP
P101 Ethyl cyanide (Propanenitrile) Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
P102 Propargyl alcohol Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P103 Selenourea Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P104 Silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.14 mg/l TCLP
P105 Sodium azide Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P106 Sodium cyanide Cyanides (Total)(7)	57-12-5	1.2	590

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P108 Cyanides (Amenable)(7) Strychnine and salts Strychnine and salts	57-12-5 57-24-9	0.86 (WETOX or CHOXD) fb CARBN; or CMBST	30 CMBST
P109 Tetraethyldithiopyrophosphate Tetraethyldithiopyro- phosphate	3689-24-5	CARBN; or CMBST	CMBST
P110 Tetraethyl lead Lead	7439-92-1	0.69	0.75 mg/l TCLP
P111 Tetraethylpyrophosphate Tetraethylpyrophosphate	107-49-3	CARBN; or CMBST	CMBST
P112 Tetranitromethane Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P113 Thallic oxide Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P114 Thallium selenite Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P115 Thallium (I) sulfate Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P116 Thiosemicarbazide Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

CMBST

P118 Trichloromethanethiol
Trichloromethanethiol 75-70-7 CMBST
(WETOX or CHOXD) fb
CARBN; or CMBST

P119 Ammonium vanadate
Vanadium (measured in 7440-62-2 4.3
wastewaters only)

P120 Vanadium pentoxide
Vanadium (measured in 7440-62-2 4.3
wastewaters only)

P121 Zinc cyanide
Cyanides (Total)(7) 57-12-5 1.2
Cyanides (Amenable)(7) 57-12-5 0.86

P122 Zinc phosphide Zn[3]P[2], when present at concentrations greater than 10 percent

Zinc Phosphide 1314-84-7 CHOXD; CHRED; CHOXD; CHRED; or CMBST

P123 Toxaphene
Toxaphene 8001-35-2 0.0095 2.6

P127 Carbofuran
Carbofuran 1563-66-2 0.006 0.14

P128 Mexacarbate
Mexacarbate 315-18-4 0.056 1.4

P185 Tirpate(10)
Tirpate 26419-73-8 0.056 0.28

P188 Physostigmine salicylate

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Physostigmine salicylate 57-64-7 0.056 1.4

P189 Carbosulfan
Carbosulfan 55285-14-8 0.028 1.4

P190 Metolcarb
Metolcarb 1129-41-5 0.056 1.4

P191 Dimetilan(10)
Dimetilan 644-64-4 0.056 1.4

P192 Isolan(10)
Isolan 119-38-0 0.056 1.4

P194 Oxamyl
Oxamyl 23135-22-0 0.056 0.0028

P196 Manganese dimethyldithiocarbamates (total)
Dithiocarbamates (total) NA 0.028 28

P197 Formparanate(10)
Formparanate 17702-57-7 0.056 1.4

P198 Formetanate hydrochloride
Formetanate hydrochloride 23422-53-9 0.056 1.4

P199 Methiocarb
Methiocarb 2032-65-7 0.056 1.4

P201 Promecarb
Promecarb 2631-37-0 0.056 1.4

P202 m-Cumenyl methylcarbamate

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

m-Cumenyl methyl-carbamate	64-00-6	0.056	1.4
P203 Aldicarb sulfone	1646-88-4	0.056	0.28
P204 Physostigmine	57-47-6	0.056	1.4
P205 Zirman Dithiocarbamates (total)	NA	0.028	28
U001 Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U002 Acetone	67-64-1	0.28	160
U003 Acetonitrile	75-05-8	5.6	CMBST
Acetonitrile; Acetonitrile; alternate (6) standard for nonwastewaters only	75-05-8	NA	38
U004 Acetophenone	98-86-2	0.010	9.7
U005 2-Acetylaminofluorene	53-96-3	0.059	140
U006 Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U007 Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008 Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U009 Acrylonitrile	107-13-1	0.24	84
U010 Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011 Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U012 Aniline	62-53-3	0.81	14
U014 Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U015 Azaserine	115-02-6	(WETOX or	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

CHOXD) fb
CARBN; or
CMBST

U016
Benz(c)acridine
Benz(c)acridine

225-51-4

CMBST

(WETOX or
CHOXD) fb
CARBN; or
CMBST

U017
Benzal chloride
Benzal chloride

98-87-3

CMBST

(WETOX or
CHOXD) fb
CARBN; or
CMBST

U018
Benz(a)anthracene
Benz(a)anthracene

56-55-3

3.4

0.059

U019

Benzene
Benzene

71-43-2

0.14

U020

Benzenesulfonyl chloride
Benzenesulfonyl chloride

98-09-9

CMBST

(WETOX or
CHOXD) fb
CARBN; or
CMBST

U021

Benzidine
Benzidine

92-87-5

CMBST

(WETOX or
CHOXD) fb
CARBN; or
CMBST

U022

Benzo(a)pyrene
Benzo(a)pyrene

50-32-8

0.061

U023

Benzotrifluoride
Benzotrifluoride

98-07-7

CHOXD; CHRED;
CARBN; BIODG;

CHOXD; CHRED;
or CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

or CMBST

U024
bis(2-Chloroethoxy)methane
bis(2-Chloroethoxy)-
methane

111-91-1

0.036

7.2

U025

bis(2-Chloroethyl)ether
bis(2-Chloroethyl)ether

111-44-4

0.033

6.0

U026

Chlornaphazine
Chlornaphazine

494-03-1

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U027

bis(2-Chloroisopropyl)ether
bis(2-Chloroisopropyl)
ether

39638-32-9

0.055

7.2

U028

bis(2-Ethylhexyl)phthalate
bis(2-Ethylhexyl)-
phthalate

117-81-7

0.28

28

U029

Methyl bromide (Bromomethane)
Methyl bromide (Bromo-
methane)

74-83-9

0.11

15

U030

4-Bromophenyl phenyl ether
4-Bromophenyl phenyl
ether

101-55-3

0.055

15

U031

n-Butyl alcohol
n-Butyl alcohol

71-36-3

5.6

2.6

U032

Calcium chromate
Chromium (Total)

7440-47-3

2.77

0.60 mg/l TCCLP

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
Carbon oxyfluoride	353-50-4 (WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U043 Vinyl chloride Vinyl chloride 75-01-4 0.27 6.0
U034 Trichloroacetaldehyde (Chloral) Trichloroacetaldehyde (Chloral)	75-87-6 (WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U044 Chloroform Chloroform 67-66-3 0.046 6.0
U035 Chlorambucil Chlorambucil	305-03-3 (WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U045 Chloromethane (Methyl chloride) Chloromethane (Methyl chloride) 74-87-3 0.19 30
U036 Chlordane Chlordane (alpha and gamma isomers)	57-74-9 0.0033	0.26	U046 Chloromethyl methyl ether Chloromethyl methyl ether 107-30-2 (WETOX or CHOXD) fb CARBN; or CMBST CMBST
U037 Chlorobenzene Chlorobenzene	108-90-7 0.057	6.0	U047 2-Chloronaphthalene 2-Chloronaphthalene 91-58-7 0.055 5.6
U038 Chlorobenzilate Chlorobenzilate	510-15-6 0.10	CMBST	U048 2-Chlorophenol 2-Chlorophenol 95-57-8 0.044 5.7
U039 p-Chloro-m-cresol p-Chloro-m-cresol	59-50-7 0.018	14	U049 4-Chloro-o-toluidine hydrochloride 4-Chloro-o-toluidine hydrochloride 3165-93-3 (WETOX or CHOXD) fb CARBN; or CMBST CMBST
U041 Epichlorohydrin (1- Chloro-2,3-epoxypropane) Epichlorohydrin (1- Chloro-2,3-epoxypropane)	106-89-8 (WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U050 Chrysene Chrysene 218-01-9 0.059 3.4
U042 2-Chloroethyl vinyl ether 2-Chloroethyl vinyl ether	110-75-8 0.062	CMBST	U051 Creosote Naphthalene 91-20-3 0.059 5.6 7.4 0.089 0.089 0.059 0.067 8.2 10 0.080

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30	
Lead	7439-92-1	0.69	0.75 mg/l TCLP	
U052				
Cresols (Cresylic acid)				
o-Cresol	95-48-7	0.11	5.6	
m-Cresol (difficult to distinguish from p- cresol)	108-39-4	0.77	5.6	
p-Cresol (difficult to distinguish from m- cresol)	106-44-5	0.77	5.6	
Cresol-mixed isomers (Cresylic acid)	1319-77-3	0.88	11.2	
(sum of o-, m-, and p- cresol concentrations)				
U053				
Crotonaldehyde				
Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U055				
Cumene				
Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U056				
Cyclohexane				
Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U057				
Cyclohexanone				
Cyclohexanone	108-94-1	0.36		
Cyclohexanone; alternate(6) standard for nonwastewaters only	108-94-1	NA	0.75 mg/l TCLP	
U058				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Cyclophosphamide				
Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST	
U059				
Daunomycin				
Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U060				
DDD				
o,p'-DDD	53-19-0	0.023	0.087	
p,p'-DDD	72-54-8	0.023	0.087	
U061				
DDT				
o,p'-DDT	789-02-6	0.0039	0.087	
p,p'-DDT	50-29-3	0.0039	0.087	
o,p'-DDD	53-19-0	0.023	0.087	
p,p'-DDD	72-54-8	0.023	0.087	
o,p'-DDE	3424-82-6	0.031	0.087	
p,p'-DDE	72-55-9	0.031	0.087	
U062				
Diallate				
Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U063				
Dibenz(a,h)anthracene				
Dibenz(a,h)anthracene	53-70-3	0.055	8.2	
U064				
Dibenz(a,i)pyrene				
Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U066				
1,2-Dibromo-3-chloro- propane				
1,2-Dibromo-3- chloropropane	96-12-8	0.11	15	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U067	Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15					
	Ethylene dibromide (1,2-Dibromoethane)								
U068	Dibromomethane	74-95-3	0.11	15					
	Dibromomethane								
U069	Di-n-butyl phthalate	84-74-2	0.057	28					
	Di-n-butyl phthalate								
U070	o-Dichlorobenzene	95-50-1	0.088	6.0					
	o-Dichlorobenzene								
U071	m-Dichlorobenzene	541-73-1	0.036	6.0					
	m-Dichlorobenzene								
U072	p-Dichlorobenzene	106-46-7	0.090	6.0					
	p-Dichlorobenzene								
U073	3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb	CMBST					
	3,3'-Dichlorobenzidine		CARBN; or CMBST						
U074	1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb	CMBST					
	cis-1,4-Dichloro-2-butene		CARBN; or CMBST						
	trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb	CMBST					
			CARBN; or CMBST						
U075	Dichlorodifluoromethane	75-71-8	0.23	7.2					
	Dichlorodifluoromethane								
U076									

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	1,1-Dichloroethane	75-34-3	0.059	6.0					
	1,1-Dichloroethane								
U077	1,2-Dichloroethane	107-06-2	0.21	6.0					
	1,2-Dichloroethane								
U078	1,1-Dichloroethylene	75-35-4	0.025	6.0					
	1,1-Dichloroethylene								
U079	1,2-Dichloroethylene	156-60-5	0.054	30					
	trans-1,2-Dichloroethylene								
U080	Methylene chloride	75-09-2	0.089	30					
	Methylene chloride								
U081	2,4-Dichlorophenol	120-83-2	0.044	14					
	2,4-Dichlorophenol								
U082	2,6-Dichlorophenol	87-65-0	0.044	14					
	2,6-Dichlorophenol								
U083	1,2-Dichloropropane	78-87-5	0.85	18					
	1,2-Dichloropropane								
U084	1,3-Dichloropropylene	10061-01-5	0.036	18					
	cis-1,3-Dichloropropylene								
	trans-1,3-Dichloropropylene	10061-02-6	0.036	18					
U085	1,2,3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb	CMBST					
	1,2,3,4-Diepoxybutane		CARBN; or CMBST						
U086	N,N'-Diethylhydrazine								

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087 O,O-Diethyl-S-methyldithiophosphate	3288-58-2	CARBN; or CMBST	CMBST
U088 Diethyl phthalate	84-66-2	0.20	28
U089 Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U090 Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U091 3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U092 Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U093 p-Dimethylaminoazobenzene	60-11-7	0.13	CMBST
U094 7,12-Dimethylbenz(a) anthracene	57-97-6	(WETOX or	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

anthracene		CHOXD) fb CARBN; or CMBST	
U095 3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U096 alpha, alpha-Dimethyl benzyl hydroperoxide		CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U097 Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U098 1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U099 1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U101 2,4-Dimethylphenol	105-67-9	0.036	14
U102 Dimethyl phthalate	131-11-3	0.047	28
U103 Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2,4-Dinitrotoluene	121-14-2	0.32	140	
2,4-Dinitrotoluene				
U106				
2,6-Dinitrotoluene	606-20-2	0.55	28	
2,6-Dinitrotoluene				
U107				
Di-n-octyl phthalate	117-84-0	0.017	28	
Di-n-octyl phthalate				
U108				
1,4-Dioxane				
1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
1,4-Dioxane				
1,4-Dioxane; alternate (6) standard for nonwastewaters only	123-91-1	12.0	170	
U109				
1,2-Diphenylhydrazine				
1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	
1,2-Diphenylhydrazine;				
alternate(6) standard for wastewaters only	122-66-7	0.087	NA	
U110				
Dipropylamine				
Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U111				
Di-n-propylnitrosamine				
Di-n-propylnitrosamine	621-64-7	0.40	14	
U112				
Ethyl acetate				
Ethyl acetate	141-78-6	0.34	33	
U113				
Ethyl acrylate				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U114				
Ethylenebisdithiocarbamic acid salts and esters				
Ethylenebisdithio- carbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U115				
Ethylene oxide				
Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST	
Ethylene oxide;				
alternate(6) standard for wastewaters only	75-21-8	0.12	NA	
U116				
Ethylene thiourea				
Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U117				
Ethyl ether				
Ethyl ether	60-29-7	0.12	160	
U118				
Ethyl methacrylate				
Ethyl methacrylate	97-63-2	0.14	160	
U119				
Ethyl methane sulfonate				
Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U120				
Fluoranthene				
Fluoranthene	206-44-0	0.068	3.4	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U138 Iodomethane Iodomethane	74-88-4	0.19	65	U149 Malononitrile Malononitrile	109-77-3	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U140 Isobutyl alcohol Isobutyl alcohol	78-83-1	5.6	170	U150 Methylal Methylal	148-82-3	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U141 Isosafrole Isosafrole	120-58-1	0.081	2.6	U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.	7439-97-6	NA	RMERC
U142 Kepone Kepone	143-50-8	0.0011	0.13	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.	7439-97-6	NA	0.025 mg/l TCCLP
U143 Lasiocarpine Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only.	7439-97-6	NA	0.20 mg/l TCCLP
U144 Lead acetate Lead	7439-92-1	0.69	0.75 mg/l TCCLP	U151 Element Mercury Contaminated with Radioactive Materials Mercury	7439-97-6	NA	AMLGM
U145 Lead phosphate Lead	7439-92-1	0.69	0.75 mg/l TCCLP	U152 Methacrylonitrile Methacrylonitrile	126-98-7	0.24	84
U146 Lead subacetate Lead	7439-92-1	0.69	0.75 mg/l TCCLP	U153 Methanethiol Methanethiol	74-93-1	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U147 Maleic anhydride Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARN; or CMBST	CMBST				
U148 Maleic hydrazide Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARN; or CMBST	CMBST				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U154 Methanol Methanol	67-56-1	(WETOX or CHOXD) fb CAREN; or CMBST 5.6	CMBST	U163 N-Methyl-N'-nitro-N-nitrosoguanidine N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
Methanol; alternate(6) set of standards for both wastewaters and nonwastewaters	67-56-1		0.75 mg/l TCLP	U164 Methylthiouracil Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U155 Methapyrilene Methapyrilene	91-80-5	0.081	1.5	U165 Naphthalene Naphthalene	91-20-3	0.059	5.6
U156 Methyl chlorocarbonate Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	U166 1,4-Naphthoquinone 1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U157 3-Methylcholanthrene 3-Methylcholanthrene	56-49-5	0.0055	15	U167 1-Naphthylamine 1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U158 4,4'-Methylene bis(2-chloroaniline) 4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30	U168 2-Naphthylamine 2-Naphthylamine	91-59-8	0.52	CMBST
U159 Methyl ethyl ketone Methyl ethyl ketone	78-93-3	0.28	36	U169 Nitrobenzene Nitrobenzene	98-95-3	0.068	14
U160 Methyl ethyl ketone peroxide Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CAREN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	U170 p-Nitrophenol p-Nitrophenol	100-02-7	0.12	29
U161 Methyl isobutyl ketone Methyl isobutyl ketone	108-10-1	0.14	33	U171 2-Nitropropane 2-Nitropropane	79-46-9	(WETOX or CHOXD) fb	CMBST
U162 Methyl methacrylate Methyl methacrylate	80-62-6	0.14	160				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

CARBN; or
CMBST

U172

N-Nitrosodi-n-butylamine
N-Nitrosodi-n-butylamine

924-16-3

0.40

17

U173

N-Nitrosodiethanolamine
N-Nitrosodiethanol-amine

1116-54-7

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U174

N-Nitrosodiethylamine
N-Nitrosodiethylamine

55-18-5

0.40

28

U176

N-Nitroso-N-ethylurea
N-Nitroso-N-ethylurea

759-73-9

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U177

N-Nitroso-N-methylurea
N-Nitroso-N-methylurea

684-93-5

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U178

N-Nitroso-N-methylurethane
N-Nitroso-N-methyl-urethane

615-53-2

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U179

N-Nitrosopiperidine
N-Nitrosopiperidine

100-75-4

0.013

35

U180

N-Nitrosopyrrolidine
N-Nitrosopyrrolidine

930-55-2

0.013

35

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U181

5-Nitro-o-toluidine
5-Nitro-o-toluidine

99-55-8

0.32

28

U182

Paraldehyde
Paraldehyde

123-63-7

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U183

Pentachlorobenzene
Pentachlorobenzene

608-93-5

0.055

10

U184

Pentachloroethane
Pentachloroethane

76-01-7

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

Pentachloroethane;
alternate(6) standards for
both wastewaters and
nonwastewaters

76-01-7

0.055

6.0

U185

Pentachloronitrobenzene
Pentachloronitrobenzene

82-68-8

0.055

4.8

U186

1,3-Pentadiene
1,3-Pentadiene

504-60-9

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U187

Phenacetin
Phenacetin

62-44-2

0.081

16

U188

Phenol
Phenol

108-95-2

0.039

6.2

U189

Phosphorus sulfide
Phosphorus sulfide

1314-80-3

CHOXD; CHRED;

CHOXD; CHRED;

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
U190 Phthalic anhydride Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	or CMBST 0.055	or CMBST 28	U200 Reserpine Reserpine
100-21-0			50-55-5 (WETOX or CHOXD) fb CARBN; or CMBST
85-44-9	0.055	28	U201 Resorcinol Resorcinol
(measured as Phthalic acid or Terephthalic acid)			108-46-3 (WETOX or CHOXD) fb CARBN; or CMBST
U191 2-Picoline 2-Picoline	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U202 Saccharin and salts Saccharin
109-06-8			81-07-2 (WETOX or CHOXD) fb CARBN; or CMBST
U192 Pronamide Pronamide	0.093	1.5	U203 Safrole Safrole
23950-58-5			94-59-7 0.081 22
U193 1,3-Propane sultone 1,3-Propane sultone	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U204 Selenium dioxide Selenium
1120-71-4			7782-49-2 0.82 5.7 mg/l TCLP
U194 n-Propylamine n-Propylamine	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U205 Selenium sulfide Selenium
107-10-8			7782-49-2 0.82 5.7 mg/l TCLP
U196 Pyridine Pyridine	0.014	16	U206 Streptozotocin Streptozotocin
110-86-1			18883-66-4 (WETOX or CHOXD) fb CARBN; or CMBST
U197 p-Benzquinone p-Benzquinone	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U207 1,2,4,5-Tetrachlorobenzene 1,2,4,5-Tetrachloro- benzene
106-51-4			95-94-3 0.055 14
			U208 1,1,1,2-Tetrachloroethane 1,1,1,2-Tetrachloro-
			630-20-6 0.057 6.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ethane

U209
1,1,2,2-Tetrachloroethane
1,1,2,2-Tetrachloro-
ethane 79-34-5 0.057 6.0

U210
Tetrachloroethylene
Tetrachloroethylene 127-18-4 0.056 6.0

U211
Carbon tetrachloride
Carbon tetrachloride 56-23-5 0.057 6.0

U213
Tetrahydrofuran
Tetrahydrofuran 109-99-9 (WETOX or
CHOXD) fb
CARBN; or
CMBST

U214
Thallium (I) acetate
Thallium (measured in
wastewaters only) 7440-28-0 1.4 RTHRM; or
STABL

U215
Thallium (I) carbonate
Thallium (measured in
wastewaters only) 7440-28-0 1.4 RTHRM; or
STABL

U216
Thallium (I) chloride
Thallium (measured in
wastewaters only) 7440-28-0 1.4 RTHRM; or
STABL

U217
Thallium (I) nitrate
Thallium (measured in
wastewaters only) 7440-28-0 1.4 RTHRM; or
STABL

U218
Thioacetamide
Thioacetamide 62-55-5 (WETOX or
CHOXD) fb
CARBN; or
CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U219
Thiourea
Thiourea 62-56-6 (WETOX or
CHOXD) fb
CARBN; or
CMBST

U220
Toluene
Toluene 108-88-3 0.080 10

U221
Toluenediamine
Toluenediamine 25376-45-8 CARBN; or
CMBST

U222
o-Toluidine hydrochloride
o-Toluidine hydro-
chloride 636-21-5 (WETOX or
CHOXD) fb
CARBN; or
CMBST

U223
Toluene diisocyanate
Toluene diisocyanate 26471-62-5 CARBN; or
CMBST

U225
Bromoform (Tribromomethane)
Bromoform (Tribromo-
methane) 75-25-2 0.63 15

U226
1,1,1-Trichloroethane
1,1,1-Trichloroethane 71-55-6 0.054 6.0

U227
1,1,2-Trichloroethane
1,1,2-Trichloroethane 79-00-5 0.054 6.0

U228
Trichloroethylene
Trichloroethylene 79-01-6 0.054 6.0

U234
1,3,5-Trinitrobenzene
1,3,5-Trinitrobenzene 99-35-4 (WETOX or
CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U244 Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246 Cyanogen bromide Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247 Methoxychlor	72-43-5	0.25	0.18
U248 Warfarin, & salts, when present at concentrations of 0.3 percent or less Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249 Zinc phosphide, Zn[3P[2], when present at concentrations of 10 percent or less Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U271 Benomyl	17804-35-2	0.056	1.4
U278 Bendiocarb Bendiocarb	22781-23-3	0.056	1.4
U279 Carbaryl Carbaryl	63-25-2	0.006	0.14
U280 Barban Barban	101-27-9	0.056	1.4
U328 o-Toluidine o-Toluidine	95-53-4	CMBST; or CHOXD fb	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U235 tris-(2,3-Dibromopropyl)-phosphate tris-(2,3-Dibromo- propyl)-phosphate	126-72-7	0.11	0.10
U236 Trypan Blue Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U237 Uracil mustard Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238 Urethane (Ethyl carbamate) Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239 Xylenes Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
U240 2,4-D (2,4-Dichlorophenoxyacetic acid) 2,4-D (2,4-Dichloro- phenoxyacetic acid) 2,4-D (2,4-Dichloro- phenoxyacetic acid) salts and esters	94-75-7 NA	0.72 (WETOX or CHOXD) fb CARBN; or CMBST	10 CMBST
U243 Hexachloropropylene Hexachloropropylene	1888-71-7	0.035	30

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(BIODG or
CARBN); or
BIODG fb CARBN

U353

p-Toluidine
p-Toluidine

106-49-0

CMBST;
or CHOXD fb
(BIODG or
CARBN); or
BIODG fb CARBN

CMBST

U359

2-Ethoxyethanol
2-Ethoxyethanol

110-80-5

CMBST;
or CHOXD fb
(BIODG or
CARBN); or
BIODG fb CARBN

CMBST

U364

Bendiocarb phenol(10)
Bendiocarb phenol

22961-82-6

0.056

1.4

U367

Carbofuran phenol
Carbofuran phenol

1563-38-8

0.056

1.4

U372

Carbendazim
Carbendazim

10605-21-7

0.056

1.4

U373

Propham
Propham

122-42-9

0.056

1.4

U387

Prosulfocarb
Prosulfocarb

52888-80-9

0.042

1.4

U389

Triallate
Triallate

2303-17-5

0.042

1.4

U394

A2213(10)
A2213

30558-43-1

0.042

1.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U395
Diethylene glycol, dicarbamate(10)
Diethylene glycol,
dicarbamate
5952-26-1
0.056
1.4

U404

Triethylamine
Triethylamine

101-44-8

0.081

1.5

U409

Thiophanate-methyl
Thiophanate-methyl

23564-05-8

0.056

1.4

U410

Thiodicarb
Thiodicarb

59669-26-0

0.019

1.4

U411

Propoxur
Propoxur

114-26-1

0.056

1.4

Notes:

- 1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
- 4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Descriptions of Technology-Based Standards". "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. "; " separates alternative treatment schemes.
- 5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or based on

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered non-hazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by specified technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters; and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST, at Table C, for wastewaters.

11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under 35 Ill. Adm. Code 724.Subpart O, or (3) combustion units operating under 35 Ill. Adm. Code 725.Subpart O.

12 Disposal of USEPA hazardous waste number K175 waste that has complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in accordance with Table F of this Part unless the waste is placed in either of the following types of facilities:

a) A RCRA Subtitle C monofill containing only K175 wastes that meet

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

all applicable 40 CFR 268.40 treatment standards; or
b) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at pH < 6.0.

BOARD NOTE: Derived from table to 40 CFR 268.40 (2000)(1999), as amended at 5564 Fed. Reg. 57127 (November 8, 2000)56471-(October-20,---1999)---and-65---Red-Reg-14472-(Mar-17-2000).

NA means not applicable.

(Source: Amended at 25 Ill. Reg. 9181-0, effective)

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 728. TABLE U Universal Treatment Standards (UWS)

Regulated Constituent- Common Name	CAS(1) No.	Wastewater Standard Concentration (in mg/l(2))	Nonwastewater Standard Concentration (in mg/kg(3)) unless noted as "mg/l TCLP"			
Acenaphthylene	208-96-8	0.059	3.4	Barban(6)	101-27-9	0.056 1.4
Acenaphthene	83-32-9	0.059	3.4	Bendiocarb(6)	22781-23-3	0.056 1.4
Acetone	67-64-1	0.28	160	Benomyl(6)	17804-35-2	0.056 1.4
Acetonitrile	75-05-8	5.6	38	Benz(a)anthracene	56-55-3	0.059 3.4
Acetophenone	96-86-2	0.010	9.7	Benzal chloride	98-87-3	0.055 6.0
2-Acetylaminofluorene	53-96-3	0.059	140	Benzene	71-43-2	0.14 10
Acrolein	107-02-8	0.29	NA	Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11 6.8
Acrylamide	79-06-1	19	23	Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11 6.8
Acrylonitrile	107-13-1	0.24	84	Benzo(g,h,i)perylene	191-24-2	0.0055 1.8
Aldicarb sulfone(6)	1646-88-4	0.056	0.28	Benzo(a)pyrene	50-32-8	0.061 3.4
Aldrin	309-00-2	0.021	0.066	Bromodichloromethane	75-27-4	0.35 15
4-Aminobiphenyl	92-67-1	0.13	NA	Methyl bromide (Bromo- methane)	74-83-9	0.11 15
Aniline	62-53-3	0.81	14	4-Bromophenyl phenyl ether	101-55-3	0.055 15
Anthracene	120-12-7	0.059	3.4	n-Butyl alcohol	71-36-3	5.6 2.6
Aramite	140-57-8	0.36	NA	Butylate(6)	2008-41-5	0.042 1.4
alpha-BHC	319-84-6	0.00014	0.066	Butyl benzyl phthalate	85-68-7	0.017 28
beta-BHC	319-85-7	0.00014	0.066	2-sec-Butyl-4,6- dinitrophenol (Dinoseb)	88-85-7	0.066 2.5
delta-BHC	319-86-8	0.023	0.066	Carbaryl(6)	63-25-2	0.006 0.14
gamma-BHC	58-89-9	0.0017	0.066	Carbenzadim(6)	10605-21-7	0.056 1.4
				Carbofuran(6)	1563-66-2	0.006 0.14

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Carbofuran phenol(6)	1563-38-8	0.056	1.4	
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCCLP	
Carbon tetrachloride	56-23-5	0.057	6.0	
Carbosulfan(6)	55285-14-8	0.028	1.4	
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26	
p-Chloroaniline	106-47-8	0.46	16	
Chlorobenzene	108-90-7	0.057	6.0	
Chlorobenzilate	510-15-6	0.10	NA	
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28	
p-Chloro-m-cresol	59-50-7	0.018	14	
Chlorodibromomethane	124-48-1	0.057	15	
Chloroethane	75-00-3	0.27	6.0	
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2	
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0	
2-Chloroethyl vinyl ether	110-75-8	0.062	NA	
Chloroform	67-66-3	0.046	6.0	
eis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2	
Chloromethane (Methyl chloride)	74-87-3	0.19	30	
2-Chloronaphthalene	91-58-7	0.055	5.6	
2-Chlorophenol	95-57-8	0.044	5.7	
3-Chloropropylene	107-05-1	0.036	30	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chrysene	218-01-9	0.059	3.4	
o-Cresol	95-48-7	0.11	5.6	
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6	
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6	
m-Cumenyl methylcarbamate(6)	64-00-6	0.056	1.4	
Cyclohexanone	108-94-1	0.36	0.75mg/l TCCLP	
o,p'-DDD	53-19-0	0.023	0.087	
p,p'-DDD	72-54-8	0.023	0.087	
o,p'-DDE	3424-82-6	0.031	0.087	
p,p'-DDE	72-55-9	0.031	0.087	
o,p'-DDT	789-02-6	0.0039	0.087	
p,p'-DDT	50-29-3	0.0039	0.087	
Dibenz(a,h)anthracene	53-70-3	0.055	8.2	
Dibenz(a,e)pyrene	192-65-4	0.061	NA	
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15	
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15	
Dibromomethane	74-95-3	0.11	15	
m-Dichlorobenzene	541-73-1	0.036	6.0	
o-Dichlorobenzene	95-50-1	0.088	6.0	
p-Dichlorobenzene	106-46-7	0.090	6.0	
Dichlorodifluoromethane	75-71-8	0.23	7.2	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,1-Dichloroethane	75-34-3	0.059	6.0	Di-n-octyl phthalate	117-84-0	0.017	28
1,2-Dichloroethane	107-06-2	0.21	6.0	Di-n-propyl nitrosamine	621-64-7	0.40	14
1,1-Dichloroethylene	75-35-4	0.025	6.0	1,4-Dioxane	123-91-1	12.0	170
trans-1,2-Dichloroethylene	156-60-5	0.054	30	Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
2,4-Dichlorophenol	120-83-2	0.044	14	Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
2,6-Dichlorophenol	87-65-0	0.044	14	1,2-Diphenylhydrazine	122-66-7	0.087	NA
2,4-Dichlorophenoxyacetic acid/2,4-D	94-75-7	0.72	10	Disulfoton	298-04-4	0.017	6.2
1,2-Dichloropropane	78-87-5	0.85	18	Dithiocarbamates (total)(6)	137-30-4	0.028	28
cis-1,3-Dichloropropylene	10061-01-5	0.036	18	Endosulfan I	959-98-8	0.023	0.066
trans-1,3-Dichloropropylene	10061-02-6	0.036	18	Endosulfan II	33213-65-9	0.029	0.13
Dieldrin	60-57-1	0.017	0.13	Endosulfan sulfate	1031-07-8	0.029	0.13
Diethyl phthalate	84-66-2	0.20	28	Endrin	72-20-8	0.0028	0.13
p-Dimethylaminoazo benzene	60-11-7	0.13	NA	Endrin aldehyde	7421-93-4	0.025	0.13
2,4-Dimethyl phenol	105-67-9	0.036	14	EPTC(6)	759-94-4	0.042	1.4
Dimethyl phthalate	131-11-3	0.047	28	Ethyl acetate	141-78-6	0.34	33
Di-n-butyl phthalate	84-74-2	0.057	28	Ethyl benzene	100-41-4	0.057	10
1,4-Dinitrobenzene	100-25-4	0.32	2.3	Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
4,6-Dinitro-o-cresol	534-52-1	0.28	160	Ethylene oxide	75-21-8	0.12	NA
2,4-Dinitrophenol	51-28-5	0.12	160	Ethyl ether	60-29-7	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140	bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
2,6-Dinitrotoluene	606-20-2	0.55	28				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

Ethyl methacrylate	97-63-2	0.14	160
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Formetanate hydrochloride(6)	23422-53-9	0.056	1.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8- Heptachlorodibenzo-p- dioxin (1,2,3,4,6,7,8- HPCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8- Heptachlorodibenzofuran (1,2,3,4,6,7,8- HPCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9- Heptachlorodibenzofuran (1,2,3,4,7,8,9- HPCDF)	55673-89-7	0.000035	0.0025
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloro cyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d)	193-39-5	0.0055	3.4

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

pyrene			
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrilene	91-80-5	0.081	1.5
Methiocarb(6)	2032-65-7	0.056	1.4
Methomyl(6)	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Metolcarb(6)	1129-41-5	0.056	1.4
Mexacarbate(6)	315-18-4	0.056	1.4
Molinate(6)	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063	0.005
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063	0.005
Oxamyl (6)	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors) (8)	1336-36-3	0.10	10
Pebulate (6)	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine (6)	57-47-6	0.056	1.4
Physostigmine salicylate (6)	57-64-7	0.056	1.4
Promecarb (6)	2631-37-0	0.056	1.4
Pronamide	23950-58-5	0.093	1.5
Propham (6)	122-42-9	0.056	1.4
Propoxur (6)	114-26-1	0.056	1.4
Prosulfocarb (6)	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Thiodicarb(6)	59669-26-0	0.019	1.4
Thiophanate-methyl(6)	23564-05-8	0.056	1.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Triallate(6)	2303-17-5	0.042	1.4
Tribromomethane (Bromoform)	75-25-2	0.63	15
2,4,6-Tribromophenol	118-79-6	0.035	7.4
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxyacetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Triethylamine(6)	101-44-8	0.081	1.5
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
Vernolate(6)	1929-77-7	0.042	1.4
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(4)	57-12-5	1.2	590
Cyanides (Amenable)(4)	57-12-5	0.86	30
Fluoride (5)	16984-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium (7)	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.20 mg/l TCLP
Vanadium(5)	7440-62-2	4.3	1.6 mg/l TCLP
Zinc(5)	7440-66-6	2.61	4.3 mg/l TCLP

1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.

3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

5 These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).

6 This footnote corresponds with footnote 6 to the table to 40 CFR 268.48(a), which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

7 This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UTS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

8 This standard is temporarily deferred for soil exhibiting a hazardous characteristic due to USEPA hazardous waste numbers D004 through D011 only.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (2000+1999), as amended at 65 Fed. Reg. 813381 (December 26, 2000) 14472-4477-2000.

(Source: Amended at 25 Ill. Reg. 818.100, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: RCRA Permit Program
- 2) Code citation: 35 Ill. Adm. Code 703
- 3) Section numbers: Adopted action:
703.232 Amended
703.280 Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) Effective date of amendments: July 9, 2001
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Do these amendments contain incorporations by reference? No. Although segments of the text of 35 Ill. Adm. Code 703 now opened for amendment include existing incorporations by reference, the present amendments do not affect those incorporations.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 17, 2001, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: 25 Ill. Reg. 3619, March 9, 2001
- 10) Has JCAR issued a Statement of Objection to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the March 9, 2001 issue of the *Illinois Register*, the Board has not altered the text of the amendments, as indicated in item 11 above.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 17, 2001 in consolidated docket R01-21/R01-23, which opinion and order is available from the address below. The consolidated R01-21/R01-23 proceeding updates the Board's UIC and RCRA-Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 2000, through December 31, 2000.

This proceeding updates the Illinois UIC and RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the update period of July 1, 2000, through December 31, 2000. Please refer to the corresponding segment of the questionnaire in the Notice of Adopted Amendments for 35 Ill. Adm. Code 738 that appears elsewhere in this issue of the Illinois Register. That Notice includes a detailed outline of the federal actions involved in the broader proceeding of which the amendments to Part 703 are a single segment.

Specifically, the amendments to Part 703 implement segments of the federal July 10, 2000, corrections to the hazardous waste combustor rule and hazardous waste combustor NESHAPS.

The table below lists numerous corrections and amendments that are not based on current federal amendments. The table contains corrections and clarifications that the Board made in the base text involved in these amendments. These table is reproduced from the tables that appear in the Board's opinion of May 17, 2001, in consolidated docket R01- 21/R01-23. Some of the entries in this table are discussed further in appropriate segments of the general discussion in that opinion.

Table:
Board Housekeeping Amendments

Section	Source	Revision(s)
703.232	JCAR	Changed "of in 40 CFR 63" to "in 40 CFR 63"
703.232(b)(1)	Board	Changed "shall" to "must" (twice)
703.232(b)(1)(B)	Board	Changed "shall" to "must"
703.232(b)(2)	Board	Changed "shall" to "must" (twice)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

703.232(b)(3)(A)	Board	Changed "shall" to "must"
703.232(b)(3)(B)	Board	Changed "shall" to "must"
703.232(b)(3)(C)	Board	Changed "shall" to "must"
703.232(b)(4)	Board	Changed "shall" to "must" (twice)
703.232(c)	Board	Changed "shall" to "must"
703.232(c)(1)	Board	Added "the following"
703.232(c)(2)	Board	Added "the following"
703.232(c)(3)	Board	Added "the following"
703.232(d)(2)	Board	Changed "shall" to "must"; changed "finds that" to "finds as follows"
703.232(d)(2)(A)	Board	Added "that"
703.232(d)(2)(B)	Board	Added "that"
703.232(d)(2)(C)	Board	Added "that"
703.232(d)(2)(D)	Board	Added "that"
703.232(d)(3)	Board	Changed "shall" to "must"
703.232(d)(3)(B)	Board	Added "the following"
703.232(d)(4)	Board	Changed "shall" to "must"
703.232(e)	Board	Changed "shall" to "must"
703.232(f)	Board	Changed "shall" to "must"
703.232(f)(2)	Board	Added "the following determinations" offset as with a comma
703.232(g)	Board	Changed "shall" to "must" (four times)
703.232 Board note	Board	Updated the citation to the 2000 edition of the <i>Code of Federal Regulations</i>
703.280(a)	Board	Added two spaces between the two sentences

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

703.280(b)	Board	Added two spaces between the two sentences
703.280(c)	Board	Added two spaces between the two sentences
703.280(d)(1)	Board	Added two spaces between two sentences; changed "shall" to "must"
703.280(d)(2)	Board	Changed "shall" to "must" (twice); changed "subsection (d)(1), above," to "subsection (d)(1) of this section"; add two spaces between two sentences
703.280(d)(2)(A)	Board	Added two spaces between two sentences (twice)
703.280(e)(1)	Board	Added two spaces between two sentences
703.280(e)(2)(A)	Board	Added "the following"
703.280(e)(2)(B)	Board	Added "the following"
703.280(e)(2)(C)	Board	Changed "shall" to "must"; added two spaces between two sentences
703.280(e)(3)	Board	Changed "shall" to "must" (twice); added two spaces between two sentences; added "as follows"
703.280(e)(3)(A)	Board	Changed "the" to "that the"
703.280(e)(3)(B)	Board	Changed "the" to "that the"
703.280(e)(4) Board		Changed "shall" to "must"; added a comma before "provided" to offset a parenthetical; removed an unnecessary comma separating a two-element series; added "either of the following is true"
703.280(f)(1)	Board	Changed "shall" to "must" (twice); added two spaces between two sentences
703.280(g)(1)	Board	Added "each of the following is true"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 703.280(g)(1)(E) Board Added two spaces between two sentences.
- 703.280(h) Board Added two spaces between two sentences; added "each of the following is true"
- 703.280(i) Board Added two spaces between two sentences; changed "shall" to "must" (twice)
- 703.280(j)(2) Board Changed "shall" to "must"
- 703.232 Board note Board Updated the citation to the 2000 edition of the Code of Federal Regulations, replacing the *Federal Register* citation with a later update

16) Information and questions regarding these adopted amendments shall be directed to:

Please reference consolidated Docket R01-21/R01-23 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601
312-814-6924

Request copies of the Board's opinion and order of May 17, 2001 from Linda Webster, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
703.100 Scope and Relation to Other Parts
703.101 Purpose
703.110 References

SUBPART B: PROHIBITIONS

Section
703.120 Prohibitions in General
703.121 RCRA Permits
703.122 Specific Inclusions in Permit Program
703.123 Specific Exclusions from Permit Program
703.124 Discharges of Hazardous Waste
703.125 Reapplications
703.126 Initial Applications
703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section
703.140 Purpose and Scope
703.141 Permits by Rule
703.150 Application by Existing HWM Facilities and Interim Status
703.151 Qualifications
703.152 Application by New HWM Facilities
703.153 Amended Part A Application
703.154 Qualifying for Interim Status
703.155 Prohibitions During Interim Status
703.156 Changes During Interim Status
703.157 Interim Status Standards
703.158 Grounds for Termination of Interim Status
703.159 Permits for Less Than an Entire Facility
703.160 Closure by Removal
703.161 Procedures for Closure Determination
Enforceable Document for Post-Closure Care

SUBPART D: APPLICATIONS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section
 703.180 Applications in General
 703.181 Contents of Part A
 703.182 Contents of Part B
 703.183 General Information
 703.184 Facility Location Information
 703.185 Groundwater Protection Information
 703.186 Exposure Information
 703.187 Solid Waste Management Units
 703.188 Other Information
 703.191 Public Participation: Pre-Application Public Notice and Meeting
 703.192 Public Participation: Public Notice of Application
 703.193 Public Participation: Information Repository
 703.200 Specific Part B Application Information
 703.201 Containers
 703.202 Tank Systems
 703.203 Surface Impoundments
 703.204 Waste Piles
 703.205 Incinerators that Burn Hazardous Waste
 703.206 Land Treatment
 703.207 Landfills
 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste
 703.209 Miscellaneous Units
 703.210 Process Vents
 703.211 Equipment
 703.212 Drip Pads
 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers
 703.214 Post-Closure Care Permits

SUBPART E: SHORT TERM AND PHASED PERMITS

Section
 703.220 Emergency Permits
 703.221 Alternative Compliance with the Federal NESHAPS
 703.222 Incinerator Conditions Prior to Trial Burn
 703.223 Incinerator Conditions During Trial Burn
 703.224 Incinerator Conditions After Trial Burn
 703.225 Trial Burns for Existing Incinerators
 703.230 Land Treatment Demonstration
 703.231 Research, Development and Demonstration Permits
 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
 703.234 Remedial Action Plans

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section
 703.240 Permit Denial
 703.241 Establishing Permit Conditions

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

703.242 Noncompliance Pursuant to Emergency Permit
 703.243 Monitoring
 703.244 Notice of Planned Changes (Repealed)
 703.245 Twenty-four Hour Reporting
 703.246 Reporting Requirements
 703.247 Anticipated Noncompliance
 703.248 Information Repository

SUBPART G: CHANGES TO PERMITS

Section
 703.260 Transfer
 703.270 Modification
 703.271 Causes for Modification or Reissuance
 703.272 Causes for Modification or Reissuance
 703.273 Facility Siting
 703.280 Permit Modification at the Request of the Permittee
 703.281 Class 1 Modifications
 703.282 Class 2 Modifications
 703.283 Class 3 Modifications

SUBPART H: REMEDIAL ACTION PLANS

Section
 703.300 Why This Subpart Is Written in a Special Format
 703.301 General Information
 703.302 Applying for a RAP
 703.303 Getting a RAP Approved
 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated
 703.305 Operating Under A RAP
 703.306 Obtaining a RAP for an Off-Site Location

APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended at R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended at 25 Ill. Reg. 9313 --, effective July 8, 2001.

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) of in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsections (b) through (f) of this Section. Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g) of this Section.

b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:

- 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

burning hazardous waste, the Agency must shall establish permit conditions in the pretrial burn period, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency must shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280 et seq.

A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).

B) The Agency must shall review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

2) Trial burn period. For the duration of the trial burn, the Agency must shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants must shall propose a trial burn plan, prepared under subsection (c) of this Section, to be submitted with Part B of the permit application.

3) Post-trial burn period.

A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency must shall establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants must shall submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202(e).

C) The Agency must shall review this statement and any other

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

- 4) Final permit period. For the final period of operation the Agency must ~~shall~~ develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency must ~~shall~~ make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.
- c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, must ~~shall~~ evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection (c).
 - 1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes the following:
 - A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride, and ash; and
 - B) Viscosity or description of the physical form of the feed stream.

- 2) An analysis of each hazardous waste, as fired, including the following:
 - A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721-Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in 721-Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
 - B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.
- 3) A detailed engineering description of the boiler or industrial furnace, including the following:
 - A) Manufacturer's name and model number of the boiler or industrial furnace;
 - B) Type of boiler or industrial furnace;
 - C) Maximum design capacity in appropriate units;
 - D) Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;
 - E) Capacity of hazardous waste feed system;
 - F) Description of automatic hazardous waste feed cutoff systems;
 - G) Description of any pollution control system; and
 - H) Description of stack gas monitoring and any pollution control monitoring systems.
- 4) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and sample analysis.
- 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (b)(2) of this Section.
- 6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.
- 7) A description of and planned operating conditions for any emission control equipment that will be used.
- 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.
- 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (c) and the criteria in subsection (b)(2) of this Section.
- d) Trial burn procedures.
 - 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
 - 2) The Agency must ~~shall~~ approve a trial burn plan if the Agency finds as follows that:
 - a) Trial burn procedures.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) That the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;
 - B) That the trial burn itself will not present an imminent hazard to human health and the environment;
 - C) That the trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102(e); and
 - D) That the information sought in the trial burn cannot reasonably be developed through other means.
- 3) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.
- A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.
 - B) This notice must contain the following:
 - i) The name and telephone number of applicant's contact person;
 - ii) The name and telephone number of the Agency regional office appropriate for the facility;
 - iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
 - iv) An expected time period for commencement and completion of the trial burn.
- 4) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) of this Section. The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.
- 5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.
- 6) All submissions required by this subsection (d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.
- e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency must specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 721.Subpart D, the hazardous waste organic constituents identified in 35 Ill. Adm. Code 721.Appendix G as the basis for listing.
- f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:
- 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
 - 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204(a), the following determinations:
 - A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
 - B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
 - C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a);
 - 3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;
 - 4) When a trial burn for PM, metals, or HCl and chlorine gas is required under 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;
 - 5) When a trial burn for DRE, metals, and HCl and chlorine gas is required under 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride;
 - 6) An identification of sources of fugitive emissions and their means of control;
 - 7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC), in the stack gas; and
 - 8) Such other information as the Agency specifies as necessary to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

- g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 must ~~shall~~ either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of this Section or submit other information as specified in Section 703.208(a)(6). The Agency must ~~shall~~ announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3) of this Section. The contents of the notice must include all of the following information: the name and telephone number of a contact person at the facility; the name and telephone number of the Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application must ~~shall~~ complete the trial burn and submit the results specified in subsection (f) of this Section with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must ~~shall~~ contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (2000) (1999) as amended at 64-Fed-Reg-53677-(September-30-1999).

(Source: Amended at 25 Ill. Reg. 9313, effective _____)

SUBPART G: CHANGES TO PERMITS

Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 modifications. See Section 703.281.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Class 2 modifications. See Section 703.282.
c) Class 3 modifications. See Section 703.283.
d) Other modifications.

- 1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee must ~~shall~~ provide the Agency with the necessary information to support the requested classification.

- 2) The Agency must ~~shall~~ make the determination described in subsection (d)(1) of this Section ~~above~~ as promptly as practicable. In determining the appropriate class for a specific modification, the Agency must ~~shall~~ consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:

- A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.

- B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:

- i) Common variations in the types and quantities of the wastes managed under the facility permit;
- ii) Technological advances; and
- iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

- C) Class 3 modifications substantially alter the facility or its operation.

- e) Temporary authorizations.

- 1) Upon request of the permittee, the Agency shall, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations have a term of not more than 180 days.
- 2) Procedures.

- A) The permittee may request a temporary authorization for the following:

- i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B) of this Section; and
- ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) or that meets the criteria in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

subsections (e)(3)(B)(iii) through (v) and provides improved management or treatment of a hazardous waste already listed in the facility permit.

- B) The temporary authorization request must include the following:

- i) A description of the activities to be conducted under the temporary authorization;
- ii) An explanation of why the temporary authorization is necessary; and
- iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.

- C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

- 3) The Agency must shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency must shall find as follows:

- A) That the authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.
- B) That the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

- i) To facilitate timely implementation of closure or corrective action activities;
- ii) To allow treatment or storage in tanks, containers or in containment buildings in accordance with 35 Ill. Adm. Code 728;
- iii) To prevent disruption of ongoing waste management activities;
- iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
- v) To facilitate other changes to protect human health and the environment.

- 4) A temporary authorization must shall be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and either of the following is true:

- A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D); or
- B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

- f) Public notice and appeals of permit modification decisions.

- 1) The Agency must shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days after any decision to grant or deny a Class 2 or 3 permit modification request. The Agency must shall also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).
- 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.
- 3) An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal, notwithstanding the provisions of 35 Ill. Adm. Code 705.204.
- g) Newly regulated wastes and units.
 - 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if each of the following is true:
 - A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;
 - B) The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;
 - C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
 - D) The permittee also submits a complete class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under 35 Ill. Adm. Code 724, 725 or 726; and
 - E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

requirements, the owner or operator loses authority to operate under this Section.

- 2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

h) Military hazardous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if each of the following is true:

- 1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;

- 2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

- 3) The permittee submits a complete Class 2 modification request within 180 days after the date when the waste military munitions became subject to hazardous waste regulatory requirements.

i) Permit modification list. The Agency must ~~shall~~ maintain a list of all approved permit modifications and must ~~shall~~ publish a notice once a year in a State-wide newspaper that an updated list is available for review.

j) Combustion facility changes to meet federal 40 CFR 63 MACT standards. The following procedures apply to hazardous waste combustion facility permit modifications requested under Section 703. Appendix A, paragraph L(9).

- 1) Facility owners or operators must comply with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1210(b) and (c) ~~63.1211~~ before a permit modification can be requested under this Section.

- 2) If the Agency does not act to either approve or deny the request within 90 days after receiving it, the request must ~~shall~~ be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired.

BOARD NOTE: Derived from 40 CFR 270.42(d) through (j) (20001997), as amended at 65 63 Fed. Reg. 42302 (July 10, 2000) 33829-(June-197-1998).

(Source: Amended at 25 Ill. Reg. 9313-2, effective _____)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

- 1) Heading of Part: Emission Inspection Training and Certification
- 2) Code Citation: 20 Ill. Adm. Code 1293
- 3) Section Numbers: Adopted Action:
1293.10 New Section
1293.20 New Section
1293.30 New Section
- 4) Statutory Authority: Implementing and authorized by Section 13-109.1 of the Illinois Vehicle Code [625 ILCS 5/13-109.1] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].
- 5) Effective Date of Rules: July 6, 2001
- 6) Do these rules contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 3827, March 16, 2001
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: Editing and formatting changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued.
- 13) Will these rules replace any emergency rules currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rulemaking establishes procedures for the training and certification of Illinois State Police officers who conduct diesel emission inspections pursuant to the Act.
- 16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield IL 62794-9461
(217) 524-0346
(217) 524-5743

The full text of the adopted rules begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1293
EMISSION INSPECTION TRAINING AND CERTIFICATION

Section
1293.10 Purpose
1293.20 Definitions
1293.30 Procedures

AUTHORITY: Implementing and authorized by Section 13-109.1 of the Illinois Vehicle Code [625 ILCS 5/13-109.1] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 4045, effective March 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 9332, effective 1/1/01.

Section 1293.10 Purpose

The purpose of this Part is to establish procedures for the training and certification of Illinois State Police Officers who conduct diesel emission inspections pursuant to the Act.

Section 1293.20 Definitions

"Act" means to Chapters 13, 13A and 13B of the Illinois Vehicle Code [625 ILCS 5/Ch. 13, 13A and 13B], which pertain to diesel emission inspections.

"Certification" means the authorization of an individual by the Director of State Police or designee as a person qualified to perform diesel emission inspections as provided by the Act.

"Training" means instruction provided by the Illinois Department of State Police in the legal, practical, and technical aspects of diesel emission inspection.

Section 1293.30 Procedures

- a) Certification will occur upon completion of training and successful passage of a written examination.
- b) Training shall be not less than six hours in duration and shall include both classroom and practical components.
- c) Certification expires after two years from the date of certification.
- d) Re-certification may occur any time within one year before or after the expiration of certification.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

- e) Re-certification training will consist of a refresher course of not less than four hours in duration and successful passage of a written examination.
- f) Re-certification provides the same authorization as certification.
- g) The Director of State Police or designee shall schedule training and select trainees on the basis of need, qualifications, and available resources.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers:
 - 310.110 Amendment
 - 310.130 Amendment
 - 310.290 Amendment
 - 310.530 Amendment
 - 310.540 Amendment
 - APPENDIX B Amendment
 - APPENDIX C Amendment
 - APPENDIX D Amendment
 - APPENDIX G Amendment
- 4) Statutory Authority: 20 ILCS 415/8 and 8a
- 5) Effective Date of Amendment: July 3, 2001
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendment will extend to the full 150 days.
- 7) Date Filed with the Index Department: July 3, 2001
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency filing is necessary to implement the Pay Plan changes for Fiscal Year 2002 affecting the Merit Compensation System Salary Schedule.
- 10) A Complete Description of the Subjects and Issues Involved: The Department of Central Management Services is filing an emergency amendment to implement the Fiscal Year 2002 Pay Plan changes that affect those employees subject to the Merit Compensation Plan. The following Sections are being amended:

In Sections 310.110 (Implementation of Pay Plan Changes for Fiscal Year 2002), 310.130 (Effective Date), 310.530 (Implementation) and 310.540 (Annual Merit Increase Guidechart for Fiscal Year 2002), the dates are being changed to reflect the New Fiscal Year 2002.

In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the Out-of-State titles are being upgraded to maintain the same differential above the revised Schedules of Salary Grades and Merit

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Compensation.

The Merit Compensation guidechart as illustrated in Section 310.540 will remain the same for Fiscal Year 2002 with only the date being changed.

In Appendix B, the salary ranges for the Schedule of Salary Grades are being upgraded by 3.75% with a minimum of \$100 per month. Step 8 will become effective January 1, 2002.

In Appendices C, D and G, the salary ranges for the Medical Administrator Rates, Merit Compensation System Salary Schedule and Broad-Band Pay Range Classes Salary Schedules are being upgraded to reflect an increase of 3.75%.

- 11) Are there any proposed amendments to this Part pending? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.280	Amend	25 Ill. Reg. 3058
Appendix A		
Table AA	Amend	25 Ill. Reg. 3058
310.280	Amend	25 Ill. Reg. 4316
310.280	Amend	25 Ill. Reg. 5774
310.280	Amend	25 Ill. Reg. 7008

- 12) Statement of Statewide Policy Objectives: This rulemaking does not affect local government units.

- 13) Information and questions regarding these amendments shall be directed to:

Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
217/782-5601

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYERS
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2002 2002†
EMERGENCY	
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
EMERGENCY	
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
EMERGENCY	
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
<u>EMERGENCY</u>	
310.540	Annual Merit Increase Guidechart for Fiscal Year <u>2002 2001</u>
<u>EMERGENCY</u>	
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

TABLE A	Negotiated Rates of Pay	State of
HR-190	(Department of Central Management Services - Illinois Building - SEIU)	
NR-916	(Department of Natural Resources, Teamsters)	
VR-007	(Plant Maintenance Engineers, Operating Engineers)	
HR-200	(Department of Labor - Chicago, Illinois - SEIU) (Repealed)	
RC-069	(Firefighters, AFSCME) (Repealed)	
HR-001	(Teamsters Local #726)	
RC-020	(Teamsters Local #330)	
RC-019	(Teamsters Local #25)	
RC-045	(Automotive Mechanics, IPFE)	
RC-006	(Corrections Employees, AFSCME)	
RC-009	(Institutional Employees, AFSCME)	
RC-014	(Clerical Employees, AFSCME)	
RC-023	(Registered Nurses, INA)	
RC-008	(Boilermakers)	
RC-110	(Conservation Police Lodge)	
RC-010	(Professional Legal Unit, AFSCME)	
RC-028	(Paraprofessional Human Services Employees, AFSCME)	
RC-029	(Paraprofessional Investigatory and Law Enforcement Employees, IPFE)	
RC-033	(Meat Inspectors, IPFE)	
RC-042	(Residual Maintenance Workers, AFSCME)	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
TABLE T	HR-010 (Teachers of Deaf, IPT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year <u>2002 2001</u>
APPENDIX C	Medical Administrator Rates for Fiscal Year <u>2002 2001</u>
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year <u>2002 2001</u>
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year <u>2002 2001</u>
<u>EMERGENCY</u>	

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7734, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 13607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336-1, effective July 3, 2001, for a maximum of 150 days.

SUBPART A: NARRATIVE

Section 310.110 Implementation of Pay Plan Changes for Fiscal Year 2002 2001

EMERGENCY
The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 2002 2001.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9336-1, effective July 3, 2001, for a maximum of 150 days)

Section 310.130 Effective Date

EMERGENCY

This The-effective-date-of-this Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B) shall be effective for Fiscal Year 2002 2001.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9336-1, effective July 3, 2001, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART B: SCHEDULE OF RATES

Section 310.290 Out-of-State or Foreign Service Rate
EMERGENCY

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title	Range Effective Fiscal Year 2002	200
Executive II (States Other Than California and New Jersey) (CA, NJ)	3151-56813037-5475 3562-64223433-6109	
Foreign Service Economic Development Executive I	3709-68253455-6160	
Foreign Service Economic Development Executive II	4751-89464424-8003	
Foreign Service Economic Development Representative	3151-56812936-5200	
Office Administrator IV (States Other Than California and New Jersey) (CA, NJ)	2477-42902307-3993 2800-48492600-4514	
Office Assistant (Foreign Service)	2054-27171024-2461	
Office Associate (States Other Than California and New Jersey) (CA, NJ)	2180-29341950-2675 2465-33162205-3024	
Office Coordinator (States Other Than California and New Jersey) (CA, NJ)	2255-30512025-2791 2549-34492209-3155	
Public Service Administrator (States Other Than California and New Jersey) (CA, NJ)	3321-72683094-6767 3754-82163497-7649	
Revenue Auditor I (States Other Than California and New Jersey)	2990-42772760-3949	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(CA, NJ)

3380-48353120-4450

Revenue Auditor II

(States Other Than California and New Jersey)
(CA, NJ)

3457-50549217-4660
3908-57145636-5260

Revenue Auditor III

(States Other Than California and New Jersey)
(CA, NJ)

3854-56763509-5234
4356-64174057-5916

Revenue Auditor Trainee

(States Other Than California and New Jersey)
(CA, NJ)

2530-34903300-3215
2860-39462600-3635

Revenue Tax Specialist I

(States Other Than California and New Jersey)
(CA, NJ)

2530-34903300-3215
2860-39462600-3635

Revenue Tax Specialist II

(States Other Than California and New Jersey)
(CA, NJ)

2746-38622516-3562
3104-43652044-4026

Revenue Tax Specialist Trainee

(States Other Than California and New Jersey)
(CA, NJ)

2333-31822103-2921
2638-35972370-3302

Senior Public Service Administrator

(States Other Than California and New Jersey)
(CA, NJ)

4578-107574263-40010
5175-121604019-11324

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9346, effective July 3, 2001, for a maximum of 150 days)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.530 Implementation
EMERGENCY

- a) The salary schedule for the Merit Compensation System for Fiscal Year 2002 2001 will continue as set forth in Appendix D of the Pay Plan.
b) The Merit Increase Guidechart for Fiscal Year 2002 2001 as set forth in Section 310.540 of the Pay Plan.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9346, effective July 3, 2001, for a maximum of 150 days)

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year 2002 2001
EMERGENCY

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Category	Definition	Increase
Category 1	Exceptional	0% to 5%+\$125
Category 2	Accomplished	0% to 3%+\$125
Category 3	Acceptable	0% to 3%
Category 4	Unacceptable	\$0

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 933628
effective July 3, 2001, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310.APPENDIX B Schedule of Salary Grades -- Monthly Rates of Pay for
Fiscal Year 2002 2001

EMERGENCY

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Eff. 1/1/02
1	1563	1604	1646	1689	1735	1777	1822	1874	1918	1998	2018	
2	1605	1647	1690	1735	1777	1822	1876	1924	1972	2053	2074	
3	1643	1686	1731	1777	1822	1877	1927	1976	2027	2121	2142	
4	1684	1729	1775	1822	1877	1931	1980	2041	2090	2188	2210	
5	1735	1781	1828	1877	1933	1991	2048	2102	2158	2255	2278	
6	1786	1834	1883	1933	1992	2050	2114	2173	2237	2340	2363	
7	1840	1889	1940	1992	2053	2119	2184	2249	2317	2430	2454	
8	1896	1947	1999	2053	2124	2193	2269	2335	2408	2526	2551	
9	1961	2014	2068	2124	2196	2274	2349	2429	2505	2627	2653	
10	2029	2084	2141	2199	2286	2361	2443	2523	2606	2740	2767	
11	2110	2167	2226	2287	2373	2454	2545	2633	2715	2859	2888	
12	2200	2260	2322	2386	2478	2564	2663	2751	2852	3005	3035	
13	2287	2350	2415	2481	2576	2678	2779	2880	2987	3154	3186	
14	2388	2454	2522	2592	2694	2799	2921	3027	3143	3325	3358	
15	2485	2554	2625	2698	2815	2932	3048	3172	3290	3487	3522	
16	2600	2672	2746	2824	2951	3080	3210	3343	3477	3682	3719	
17	2717	2794	2875	2958	3096	3239	3375	3511	3654	3872	3911	
18	2856	2939	3024	3113	3265	3416	3571	3718	3867	4097	4138	
19	3006	3094	3186	3282	3450	3612	3780	3938	4103	4351	4395	
20	3174	3270	3368	3468	3643	3813	3993	4167	4338	4603	4649	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

21	3351	3453	3556	3661	3849	4036	4225	4417	4600	4887	4936
22	3542	3649	3759	3871	4072	4272	4473	4680	4876	5178	5230
23	3759	3871	3987	4106	4324	4545	4760	4980	5197	5523	5578
24	3999	4119	4242	4370	4602	4842	5075	5310	5550	5897	5956
25	4262	4390	4521	4657	4913	5171	5429	5688	5946	6328	6391

Schedule of Salary Grades (Alternative Retirement Formula only)
- Monthly Rates of Pay for Fiscal Year 2002

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Eff. 1/1/02
1a	1604	1646	1689	1734	1781	1824	1871	1924	1970	2052	2073	
2a	1647	1690	1735	1781	1824	1871	1926	1976	2025	2109	2130	
3a	1686	1731	1777	1824	1871	1927	1979	2029	2082	2179	2201	
4a	1729	1775	1822	1871	1927	1983	2033	2096	2147	2248	2270	
5a	1781	1828	1877	1927	1985	2045	2103	2159	2217	2317	2340	
6a	1834	1883	1933	1985	2046	2106	2171	2232	2298	2404	2428	
7a	1889	1940	1992	2046	2109	2177	2244	2310	2381	2497	2522	
8a	1947	1999	2053	2109	2182	2253	2331	2399	2474	2596	2622	
9a	2014	2068	2124	2182	2256	2336	2413	2496	2574	2700	2727	
10a	2084	2141	2199	2259	2349	2426	2510	2593	2678	2818	2846	
11a	2167	2226	2287	2350	2438	2522	2615	2706	2791	2942	2971	
12a	2260	2322	2386	2452	2546	2635	2737	2830	2934	3093	3124	
13a	2350	2415	2481	2549	2647	2752	2859	2963	3073	3248	3280	
14a	2454	2522	2592	2664	2769	2880	3005	3118	3238	3426	3460	
15a	2554	2625	2698	2773	2896	3017	3138	3268	3388	3591	3627	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

16a	2672	2746	2824	2906	3036	3173	3307	3442	3581	3793	3831
17a	2794	2875	2958	3044	3188	3336	3476	3617	3764	3988	4028
18a	2939	3024	3113	3207	3364	3519	3679	3830	3983	4220	4262
19a	3094	3186	3282	3380	3553	3719	3894	4057	4227	4482	4527
20a	3270	3368	3468	3572	3752	3928	4114	4291	4470	4742	4789
21a	3453	3556	3661	3771	3965	4156	4351	4548	4738	5034	5084
22a	3649	3759	3871	3987	4195	4400	4607	4820	5023	5334	5387
23a	3871	3987	4106	4230	4454	4682	4903	5129	5352	5688	5745
24a	4119	4242	4370	4502	4741	4987	5228	5469	5716	6075	6136
25a	4390	4521	4657	4796	5060	5325	5592	5859	6124	6518	6583

Maximum Security Institutions Schedule
Effective July 1, 2002

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Eff. 1/1/02
1m	1655	1698	1741	1785	1833	1876	1922	1976	2021	2103	2124	
2m	1699	1742	1786	1833	1876	1922	1978	2027	2077	2160	2182	
3m	1738	1782	1828	1876	1922	1979	2030	2081	2133	2230	2252	
4m	1780	1826	1874	1922	1979	2034	2085	2148	2198	2299	2322	
5m	1833	1880	1928	1979	2036	2096	2155	2211	2268	2368	2392	
6m	1885	1935	1985	2036	2097	2157	2223	2284	2350	2456	2481	
7m	1941	1991	2044	2097	2160	2228	2295	2362	2432	2548	2573	
8m	1998	2051	2104	2160	2233	2304	2383	2451	2526	2647	2673	
9m	2065	2120	2176	2233	2307	2388	2465	2547	2626	2751	2779	
10m	2135	2192	2251	2310	2400	2477	2562	2644	2730	2872	2901	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

<u>11m</u>	<u>2219</u>	<u>2278</u>	<u>2338</u>	<u>2401</u>	<u>2490</u>	<u>2573</u>	<u>2667</u>	<u>2757</u>	<u>2845</u>	<u>2995</u>	<u>3025</u>
<u>12m</u>	<u>2312</u>	<u>2373</u>	<u>2437</u>	<u>2503</u>	<u>2598</u>	<u>2686</u>	<u>2789</u>	<u>2883</u>	<u>2988</u>	<u>3148</u>	<u>3179</u>
<u>13m</u>	<u>2401</u>	<u>2466</u>	<u>2533</u>	<u>2601</u>	<u>2699</u>	<u>2805</u>	<u>2913</u>	<u>3017</u>	<u>3129</u>	<u>3304</u>	<u>3337</u>
<u>14m</u>	<u>2505</u>	<u>2573</u>	<u>2743</u>	<u>2715</u>	<u>2822</u>	<u>2933</u>	<u>3059</u>	<u>3172</u>	<u>3292</u>	<u>3480</u>	<u>3515</u>
<u>15m</u>	<u>2605</u>	<u>2676</u>	<u>2749</u>	<u>2826</u>	<u>2950</u>	<u>3070</u>	<u>3194</u>	<u>3322</u>	<u>3443</u>	<u>3647</u>	<u>3683</u>
<u>16m</u>	<u>2724</u>	<u>2799</u>	<u>2878</u>	<u>2959</u>	<u>3091</u>	<u>3229</u>	<u>3362</u>	<u>3498</u>	<u>3637</u>	<u>3847</u>	<u>3885</u>
<u>17m</u>	<u>2847</u>	<u>2928</u>	<u>3012</u>	<u>3098</u>	<u>3244</u>	<u>3392</u>	<u>3532</u>	<u>3673</u>	<u>3819</u>	<u>4044</u>	<u>4084</u>
<u>18m</u>	<u>2992</u>	<u>3077</u>	<u>3169</u>	<u>3261</u>	<u>3419</u>	<u>3575</u>	<u>3734</u>	<u>3885</u>	<u>4039</u>	<u>4275</u>	<u>4318</u>
<u>19m</u>	<u>3149</u>	<u>3242</u>	<u>3338</u>	<u>3435</u>	<u>3609</u>	<u>3774</u>	<u>3949</u>	<u>4113</u>	<u>4282</u>	<u>4537</u>	<u>4582</u>
<u>20m</u>	<u>3324</u>	<u>3424</u>	<u>3524</u>	<u>3627</u>	<u>3807</u>	<u>3983</u>	<u>4169</u>	<u>4347</u>	<u>4524</u>	<u>4796</u>	<u>4844</u>
<u>21m</u>	<u>3507</u>	<u>3612</u>	<u>3717</u>	<u>3827</u>	<u>4020</u>	<u>4211</u>	<u>4407</u>	<u>4604</u>	<u>4793</u>	<u>5089</u>	<u>5140</u>
<u>22m</u>	<u>3704</u>	<u>3813</u>	<u>3927</u>	<u>4043</u>	<u>4249</u>	<u>4456</u>	<u>4661</u>	<u>4875</u>	<u>5079</u>	<u>5389</u>	<u>5443</u>
<u>23m</u>	<u>3927</u>	<u>4043</u>	<u>4162</u>	<u>4285</u>	<u>4509</u>	<u>4736</u>	<u>4958</u>	<u>5185</u>	<u>5408</u>	<u>5744</u>	<u>5801</u>
<u>24m</u>	<u>4174</u>	<u>4298</u>	<u>4425</u>	<u>4558</u>	<u>4795</u>	<u>5042</u>	<u>5283</u>	<u>5525</u>	<u>5772</u>	<u>6130</u>	<u>6191</u>
<u>25m</u>	<u>4446</u>	<u>4576</u>	<u>4713</u>	<u>4852</u>	<u>5116</u>	<u>5380</u>	<u>5647</u>	<u>5914</u>	<u>6179</u>	<u>6573</u>	<u>6639</u>
Salary Step	Grade	1a	1b	1c	2	3	4	5	6	7	
1	1463	1504	1546	1589	1635	1677	1722	1774	1818	1898	
2	1505	1547	1590	1635	1677	1722	1776	1824	1872	1953	
3	1543	1586	1631	1677	1722	1777	1827	1876	1927	2021	
4	1584	1629	1675	1722	1777	1831	1880	1941	1998	2088	
5	1635	1681	1728	1777	1833	1891	1948	2002	2058	2155	
6	1686	1734	1783	1833	1892	1950	2014	2073	2137	2240	
7	1740	1789	1840	1892	1953	2019	2084	2149	2217	2330	
8	1796	1847	1899	1953	2024	2093	2169	2235	2308	2426	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

9	1861	1914	1968	2024	2096	2174	2249	2329	2405	2527	
10	1929	1984	2041	2099	2186	2261	2343	2423	2506	2640	
11	2010	2067	2126	2187	2273	2354	2445	2533	2615	2756	
12	2100	2160	2222	2286	2370	2464	2563	2651	2749	2896	
13	2187	2258	2315	2381	2476	2578	2679	2776	2879	3040	
14	2280	2354	2422	2492	2594	2698	2815	2910	3029	3205	
15	2385	2454	2525	2598	2713	2826	2938	3057	3171	3361	
16	2500	2572	2646	2722	2844	2969	3094	3222	3351	3549	
17	2617	2693	2771	2851	2984	3122	3253	3384	3522	3732	
18	2753	2833	2915	3000	3147	3293	3442	3584	3727	3949	
19	2897	2982	3071	3163	3325	3481	3643	3796	3955	4194	
20	3059	3152	3246	3343	3511	3675	3849	4016	4181	4437	
21	3230	3328	3427	3529	3710	3898	4072	4257	4434	4710	
22	3414	3517	3623	3731	3925	4110	4311	4511	4700	4991	
23	3623	3731	3843	3958	4168	4381	4588	4800	5009	5323	
24	3854	3970	4089	4212	4436	4667	4892	5110	5349	5684	
25	4100	4231	4350	4489	4735	4984	5233	5482	5731	6099	
Schedule of Salary-Grades-(Alternative-Retirement-Formula-Only)---Monthly-Rates of-Pay-for-Fiscal-Year-2001											
Salary Step	Grade	1a	1b	1c	2	3	4	5	6	7	
1a	1504	1546	1589	1634	1681	1724	1771	1824	1878	1952	
2a	1547	1590	1635	1681	1724	1771	1826	1876	1925	2009	
3a	1586	1631	1677	1724	1771	1827	1879	1929	1982	2079	
4a	1629	1675	1722	1771	1827	1883	1933	1996	2047	2148	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

5a	1601	1720	1777	1027	1005	1945	2003	2059	2117	2217
6a	1734	1703	1033	1005	1946	2006	2071	2132	2190	2304
7a	1709	1040	1092	1946	2009	2077	2144	2210	2201	2397
8a	1047	1099	1953	2009	2002	2153	2231	2299	2374	2496
9a	1914	1960	2024	2002	2156	2236	2313	2396	2474	2600
10a	1904	2041	2099	2159	2249	2326	2410	2493	2570	2716
11a	2067	2126	2107	2250	2330	2422	2515	2606	2690	2836
12a	2160	2222	2206	2352	2446	2535	2637	2720	2820	2901
13a	2250	2315	2301	2449	2547	2652	2756	2856	2962	3131
14a	2354	2422	2492	2564	2669	2776	2896	3005	3121	3302
15a	2454	2525	2590	2673	2791	2900	3025	3150	3266	3461
16a	2572	2646	2722	2801	2926	3050	3107	3310	3452	3656
17a	2693	2771	2851	2934	3073	3215	3350	3406	3620	3844
18a	2833	2915	3000	3091	3242	3392	3546	3692	3839	4067
19a	2902	3071	3163	3250	3425	3505	3753	3910	4074	4320
20a	3152	3246	3343	3443	3616	3706	3965	4136	4307	4571
21a	3320	3427	3529	3635	3822	4006	4194	4304	4567	4852
22a	3517	3623	3731	3843	4043	4241	4440	4646	4841	5141
23a	3731	3843	3950	4077	4293	4513	4726	4944	5159	5402
24a	3970	4009	4212	4339	4570	4807	5039	5271	5509	5855
25a	4231	4350	4409	4623	4877	5133	5390	5647	5903	6202

Maximum-Security-Institutions-Schedule
Effective-July-17-2000

Salary Grade	Step 1a	Step 1b	Step 1c	Step 2a	Step 2b	Step 2c	Step 3a	Step 3b	Step 3c	Step 4a	Step 4b	Step 4c	Step 5a	Step 5b	Step 5c	Step 6a	Step 6b	Step 6c	Step 7
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1m	1555	1590	1641	1605	1733	1776	1022	1076	1921	2003
2m	1599	1642	1606	1733	1776	1022	1070	1927	1977	2060
3m	1630	1602	1720	1776	1022	1079	1930	1901	2033	2130
4m	1600	1726	1774	1022	1079	1934	1905	2040	2090	2199
5m	1733	1700	1020	1079	1936	1996	2055	2111	2160	2260
6m	1705	1035	1005	1936	1997	2057	2123	2104	2250	2356
7m	1041	1091	1944	1997	2060	2120	2195	2262	2332	2440
8m	1090	1951	2004	2060	2133	2204	2203	2351	2426	2547
9m	1965	2020	2076	2133	2207	2200	2365	2447	2526	2651
10m	2035	2092	2151	2210	2300	2377	2462	2544	2630	2760
11m	2119	2170	2230	2301	2390	2473	2567	2657	2742	2807
12m	2212	2273	2337	2403	2490	2506	2600	2779	2800	3034
13m	2301	2366	2433	2501	2599	2704	2800	2900	3016	3105
14m	2405	2473	2543	2615	2720	2827	2940	3057	3173	3354
15m	2505	2576	2649	2724	2843	2959	3079	3202	3319	3515
16m	2624	2690	2774	2852	2979	3112	3240	3372	3506	3700
17m	2744	2822	2903	2906	3127	3269	3404	3540	3601	3890
18m	2804	2966	3054	3143	3295	3446	3599	3745	3893	4120
19m	3035	3125	3217	3311	3479	3630	3806	3964	4127	4373
20m	3204	3300	3397	3496	3669	3839	4010	4190	4360	4623
21m	3300	3401	3503	3609	3875	4059	4240	4430	4620	4905
22m	3570	3675	3705	3897	4095	4295	4493	4699	4895	5194
23m	3705	3897	4012	4130	4346	4565	4779	4990	5213	5536
24m	4023	4143	4265	4393	4622	4860	5092	5325	5563	5900

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

25m 4285 4411 4543 4677 4931 5186 5443 5788 5956 6335

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9336-0, effective July 3, 2001, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310 APPENDIX C Medical Administrator Rates for Fiscal Year 2002 2001
EMERGENCY

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Administrator I, Option C	7798	9487	11176
Medical Administrator I, Option D	8708	10445	12182
Medical Administrator II, Option C	8427	10147	11867
Medical Administrator II, Option D	9676	11472	13268
Medical Administrator III	10020	11988	13956
Medical Administrator IV	10182	12150	14118
Medical Administrator V	10346	12316	14286
Medical Administrator-17 --Option-E	7516	9144	10772
Medical Administrator-17 --Option-B	8993	10867	11741
Medical Administrator-17 --Option-E	8122	9788	11438
Medical Administrator-17 --Option-B	9326	11057	12788
Medical Administrator-17	9658	11555	13452
Medical Administrator-17	9814	11711	13688
Medical Administrator-V	9972	11871	13778

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9336-0, effective July 3, 2001, for a maximum of 150 days)

9336-0

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310, APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2002 #001

EMERGENCY

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary
MC 01	2065	2799	3533
MC 02	2154	2942	3730
MC 03	2258	3113	3968
MC 04	2360	3258	4156
MC 05	2478	3451	4424
MC 06	2604	3623	4642
MC 07	2740	3840	4940
MC 08	2888	4074	5260
MC 09	3053	4302	5551
MC 10	3225	4580	5935
MC 11	3406	4863	6320
MC 12	3617	5189	6761
MC 13	3863	5547	7231
MC 14	4131	5955	7779
MC 15	4434	6384	8334
MC 16	4747	6859	8971
MC 17	5122	7403	9684
MC 18	5521	7725	9929
MC 19	5963	8061	10159
ME-01	1990	2697	3404
ME-02	2076	2835	3594

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

ME-03	2176	3000	3824
ME-04	2275	3140	4005
ME-05	2380	3323	4250
ME-06	2510	3492	4474
ME-07	2641	3701	4761
ME-08	2704	3927	5070
ME-09	2943	4146	5349
ME-10	3100	4414	5720
ME-11	3203	4607	6091
ME-12	3406	5001	6516
ME-13	3723	5346	6969
ME-14	3902	5740	7490
ME-15	4274	6153	8032
ME-16	4575	6611	8647
ME-17	4937	7135	9333
ME-18	5321	7445	9569
ME-19	5747	7769	9791

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9336 --, effective July 3, 2001, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal
Year 2002 2004
EMERGENCY

Title	Minimum Salary	Maximum Salary
Human Resources Representative	2154	4156
Human Resources Specialist	2478	4940
Public Service Administrator	2888	6320
Residential Services Supervisor	2154	4156
Senior Public Service Administrator	3981	9354
Site Superintendent	2478	4940
Human-Resources-Representative	2076	4005
Human-Resources-Specialist	2300	4761
Public-Service-Administrator	2704	6091
Residential-Services-Supervisor	2076	4005
Senior-Public-Service-Administrator	3037	9016
Site-Superintendent	2300	4761

(Source: Amended by emergency rulemaking at 25 Ill. Reg.
effective 01/1/2004, for a maximum of 150 days)

9359 - 3

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Numbers:

25.90	<u>Emergency Action:</u>
25.710	Amendment
25.735	Amendment
25.770	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-43.6, 14C-8 and Art. 21
- 5) Effective Date of Amendment: July 1, 2001
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed with the Index Department: June 25, 2001
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Section 14C-8 of the School Code was amended by P.A. 91-370 to require a new set of certification examinations and procedures for certification in bilingual education. Under the statute, these new requirements are due for implementation beginning July 1, 2001. The technical development of the test instruments and their integration into the existing structure of the Illinois Certification Testing System has involved not only testing and measurement professionals; the State Board has also sought to involve representatives of the bilingual community throughout Illinois to ensure the validity and reliability of these instruments. The State Board believes the public interest would not be served by a delay in implementing the system required by the law.
- 10) A Complete Description of the Subjects and Issues Involved: As noted above, changes are being made in the requirements for certification in transitional bilingual education. Many of these changes have to do with the examinations that will be required, in both English and the respective target languages. This material reflects the requirements of Public Act 91-370, which requires a new system of tests beginning July 1, 2001.
- 11) Are there any proposed amendments to this Part Pending? Yes. This issue of the *Illinois Register* contains proposed amendments identical to these emergency amendments, as well as proposed amendments to numerous other Sections in Part 25.
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

or enlarge a state mandate.

13) Information and questions regarding these amendments shall be directed to:

Pat Glenn
Division of Professional Certification
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217)782-3774

The full text of the emergency amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section

25.11 New Certificates (February 15, 2000)

25.15 Standards for Certain Certificates

25.20 Requirements for Initial Elementary Certificate

25.30 Requirements for Initial Secondary Certificate

25.35 Temporary Provisions for the Acquisition of Subsequent Standard Certificates

25.40 Requirements for Initial Special K-12 Certificate

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

25.50 General Certificate (Repealed)

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects

25.65 Alternative Certification

25.67 Alternative Route to Teacher Certification

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Requirements for Initial Early Childhood Certificate

25.90 Transitional Bilingual Certificate and Examination

EMERGENCY

25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.99 Endorsing Teaching Certificates

SUBPART C: IMPROVING THE TEACHER EDUCATION PROGRAMS OF THE
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section

25.110 System of Approval: Levels of Approval (Repealed)

25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs

25.120 Standards and Criteria for Institutional Recognition and Program

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

- Approval (Repealed)
 25.125 Fifth-Year Review
 25.130 Procedures for Initial Recognition as a Teacher Education Institution (Repealed)
 25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003
 25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000
 25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia (Repealed)
 25.145 Approval of New Programs Within Recognized Institutions
 25.150 The Periodic Review Process (Repealed)
 25.155 Initial Recognition Procedures Effective July 1, 2000
 25.160 Notification of Recommendations; Decisions by State Board of Education
 25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

- 25.210 Requirements for the Certification of School Social Workers
 25.220 Requirements for the Certification of Guidance Personnel
 25.230 Requirements for the Certification of School Psychologists
 25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section

- 25.310 Definitions (Repealed)
 25.311 Administrative Certificate
 25.313 Alternative Route to Administrative Certification
 25.315 Renewal of Administrative Certificate
 25.320 Application for Approval of Program (Repealed)
 25.322 General Supervisory Endorsement
 25.330 Standards and Guide for Approved Programs (Repealed)
 25.333 General Administrative Endorsement
 25.344 Chief School Business Official Endorsement
 25.355 Superintendent

SUBPART F: GENERAL PROVISIONS

Section

- 25.405 Military Service
 25.410 Revoked Certificates
 25.415 Credit in Junior College
 25.420 Psychology Accepted as Professional Education
 25.425 Individuals Prepared in Out-of-State Institutions
 25.427 Three-Year Limitation

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

- 25.430 Institutional Approval
 25.435 School Service Personnel Certificate--Waiver of Evaluations (Repealed)
 25.437 Equivalency of General Education Requirements (Repealed)
 25.440 Master of Arts NCATE
 25.442 Illinois Teacher Corps Programs
 25.445 College Credit for High School Mathematics and Language Courses
 25.450 Lapsed Certificates
 25.455 Substitute Certificates
 25.460 Provisional Special and Provisional High School Certificates
 25.465 Credit
 25.470 Meaning of Experience on Administrative Certificates
 25.475 Certificates and Permits No Longer Issued
 25.480 Credit for Certification Purposes
 25.485 Provisional Recognition of Institutions (Repealed)
 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
 25.493 Part-Time Teaching Interns
 25.495 Approval of Out-of-State Institutions and Programs
 25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND OTHER NONCERTIFIED PERSONNEL

Section

- 25.510 Teacher Aides
 25.520 Other Noncertificated Personnel
 25.530 Specialized Instruction by Noncertificated Personnel
 25.540 Approved Teacher Aide Programs

SUBPART H: CLINICAL EXPERIENCES

Section

- 25.610 Definitions
 25.620 Student Teaching
 25.630 Pay for Student Teaching

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section

- 25.705 Purpose - Severability
 25.710 Definitions

EMERGENCY

- 25.715 Test Validation
 25.717 Test Equivalence
 25.720 Applicability of Testing Requirement
 25.725 Applicability of Scores
 25.728 Use of Basic Skills Test at Time of Entry into Teacher Education
 25.730 Registration
 25.732 Late Registration

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

25.733	Emergency Registration
25.735	Frequency and Location of Examination
EMERGENCY	
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring Rescoring
EMERGENCY	
25.775	Institution Test Score Reports
25.780	Fees

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section	
25.800	Professional Development Required
25.805	Requirements of the Plan
25.810	State Priorities
25.815	Submission and Review of the Plan
25.820	Review of Approved Plan
25.825	Progress Toward Completion
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
25.855	Approval of Illinois Providers
25.860	Out-of-State Providers
25.865	Awarding of Credit for Activities with Providers
25.870	Continuing Education Units (CEUs)
25.875	Continuing Professional Development Units (CPDUs)
25.880	"Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
25.885	Funding; Expenses

APPENDIX A Statistical Test Equating - Certification Testing System

APPENDIX B Certificates Available Effective February 15, 2000

APPENDIX C Exchange of Certificates

APPENDIX D National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 12, 2001; emergency amendment at 25 Ill. Reg. 3360, effective July 1, 2001, for a maximum of 150 days.

SUBPART B: CERTIFICATES

Section 25.90 Transitional Bilingual Certificate and Examination
EMERGENCY

a) Requirements for the Transitional Bilingual Certificate, issued pursuant to Section 14C-8 of the School Code, shall be as follows:

- 1) General Requirements. The applicant shall meet the following general requirements:
 - A) Be in good health.
 - B) Be of sound moral character.
 - C) Be legally present in the United States and possess legal authorization for employment.
 - D) Comply with certification application procedures.
- 2) Requirements of Prior Education or Certification. The applicant shall:
 - A) Possess a current and valid certificate issued by the State of Illinois, or
 - B) Have possessed within five years prior to the date of application a valid teaching certificate or comparable legal authorization issued by a foreign country or by a state or possession or territory of the United States, or
 - C) Hold a degree from an institution of higher learning in a foreign country which the Certification Board determines to be the equivalent of a bachelor's degree from a recognized

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

institution of higher learning in the United States (Section 14C-8 of the School Code; 105 ILCS 5/14C-8 ~~###---Rev-Stat---1988---Supp-7-ch-1227-par-14E-8~~). The applicant must submit a certified transcript from the foreign institution. The Certification Board will determine equivalency by comparing the applicant's course of study to that required for a bachelor's degree from a recognized institution of higher learning in the United States on factors including:

- i) the applicant's length of study at the foreign institution (which shall be equivalent to four years of postsecondary study after the age of eighteen);
- ii) the number of credit hours or similar units of instruction which the applicant has successfully completed (which shall be the equivalent of 120 semester hours);
- iii) the content of the applicant's courses and the distribution of courses among the various disciplines constituting a bachelor's degree program in the United States (which shall include the equivalent of a 32-semester-hour major field of study);
- iv) the applicant's grades or similar evidence of successful academic performance;
- v) the foreign institution's accreditation status, if any.

3) Language Requirements

A) The applicant must demonstrate adequate speaking, and reading, writing, and grammar skills ability in a non-English language in which transitional bilingual education is offered in Illinois. This requirement may be fulfilled in one of the following ways:

- i) Applicants--who--have--been--employed--in--an--Illinois bilingual program--for--at--least--one--year--prior--to--the date--of--application--will--meet--this--requirement--when the Bilingual Education Section of the State Board of Education certifies--that--the--applicant--meets--the following--criteria--:--The--applicant--is--able--to--use--the non-English language--fluently--and--accurately--on--all levels--normally--pertinent--to--professional--needs--;--is able--to--understand--and--participate--in--a--conversation; within--range--of--the--applicant's--experience--with--a high--degree--of--fluency--and--precision--of--vocabulary--;--is able--to--respond--appropriately--even--in--unfamiliar situations;--with--infrequent--errors--of--pronunciation and--grammar--;--is--able--to--handle--informal--interpreting from--and--into--the--non-English--language. ~~##~~ The applicant presents evidence of having graduated from a teacher preparation institution or an institution of higher education in which the medium of instruction

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

was in a non-English language in which transitional bilingual education is offered in Illinois and for which certification is sought.

- ii) The applicant successfully completes the required examination (see Section 25.710 of this Part) in the non-English language in which transitional bilingual education is offered in Illinois and for which certification is sought. If no examination for transitional bilingual education in the target language is listed in Section 25.710 of this Part, the required examination shall be another examination administered by the State Board of Education. The selection, development, and administration of each such examination shall conform to the requirements of Section 25.715 of this Part to the extent feasible in light of the rate of incidence of the target language in Illinois.

~~###~~ The--applicant--by--an--Illinois--institution--of--higher education--recognized--for--teacher--education--meets--the following--standard--of--facility--in--the--non-English language--in--which--transitional--bilingual--education--is offered--in--Illinois--:--the--applicant--is--able--to--use--the non-English language--fluently--and--accurately--on--all levels--normally--pertinent--to--professional--needs--;--is able--to--understand--and--participate--in--a--conversation; within--the--range--of--the--applicant's--experience--with--a high--degree--of--fluency--and--precision--of--vocabulary--;--is able--to--respond--appropriately--even--in--unfamiliar situations;--with--infrequent--errors--of--pronunciation and--grammar--;--is--able--to--handle--informal--interpreting from--and--into--the--non-English--language.

- B) The applicant must demonstrate adequate speaking, reading, writing, and grammar communicative skills in English. This requirement may be fulfilled in one of the following ways:

- i) The applicant presents evidence of having graduated from an institution of higher education in which the medium of instruction was English.
- ii) The applicant successfully completes the English Language Proficiency Examination (see Section 25.710 of this Part). Has--been--employed--for--one--year--or--more in--an--Illinois--bilingual--program--and--the--building principal--or--appropriate--supervisor--attests--that--the applicant--possesses--communicative--skills--in--English sufficient--to--complete--assigned--duties.

C) An individual enrolled in an approved bilingual certification program who passed the Spanish language proficiency examination required by the program prior to

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

July 1, 2001, shall be exempt from retaking a Spanish language proficiency test after that date, provided that:

- i) the university that operates the program forwards to the State Board of Education no later than November 1, 2001, a list of the names and Social Security numbers of those persons in its program who have passed the examination;
- ii) the individual's name appears on the list submitted by the university in whose program he or she is enrolled; and
- iii) the individual submits an application for bilingual certification based upon the institution's recommendation for certification no later than June 30, 2006.

iii) the applicant meets, by means of an approved examination administered by an Illinois institution of higher education recognized for teacher education, the following standard of facility in English:

the applicant is able to satisfy routine social demands and work requirements, is able to handle with confidence most social situations including introductions and casual conversation about current events, work, family, and autobiographical information; is able to comprehend most conversations on non-technical subjects (e.g., topics which require no specialized knowledge) and has a speaking vocabulary sufficient for self-expression; can usually handle elementary constructions accurately; the applicant's performance is such that if errors are made, they do not render speech unintelligible.

4) Appeals - Re-scoring Procedures

All applicants found ineligible for certification because of failure to meet the language requirements set forth under (3) above shall have an opportunity to appeal the finding of ineligibility.

A) A limited appeal shall be available to applicants applicant found ineligible for certification because of failure to meet language requirements on the basis of an examination in a language not listed in Section 25.710 of this Part. An affected individual wishing to initiate such an appeal shall notify the State Board of Education in writing within six weeks after release of the test results to candidates. May appeal by notifying the Secretary of the State Teacher Certification Board in writing.

B) The appeal shall be limited to a request for re-scoring. The State Board of Education shall honor each such request unless no individual with the necessary language competency who was not involved in the original scoring is available for re-scoring. The

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

Secretary of the State Certification Board shall, in consultation with the Manager of the Bilingual Education Section, within 15 days of receipt of appeal, establish a panel of at least two competent persons to hear the appeal. A date for a hearing shall be mutually agreed upon at which time the individual appealing may present the appeal and respond to inquiries from the panel. The panel shall review the record and present its findings and recommendations within five days of the date of the hearing to the Secretary of the State Teacher Certification Board. (C) Issuance of a certificate granted as a result of an appeal shall be based on the applicable criteria and standards set forth elsewhere in this part.

b) Requirements for approving transitional bilingual examinations administered by Illinois institutions of higher education

- 1) Bigibity. The institution must be recognized for teacher education in Illinois; must certify that the examinations will be administered at no expense to the applicant; must certify that the examinations will be administered without discrimination based on national origin, sex, ethnic characteristics or any other personal characteristics or attributes unrelated to linguistic performance. Institutions may propose the utilization of non-institutional resources provided a legally binding agreement clearly showing institutional control over the procedures and content of the examination is presented. Institutional personnel responsible for the administration of the examinations shall participate in inservice workshops offered by the State Board of Education's Bilingual Education Section.
- 2) The Chief Educational Administrator of the institution shall provide written notification to the Secretary of the State Teacher Certification Board of the institution's intention to be approved as an examination center in one or more languages.
- 3) Approval will be granted by the Secretary when the Manager of the Teacher Education Program Approval Section and the Manager of the Bilingual Education Section both certify in writing that the proposed procedures and content of the examination meet the following criteria:

A) The proposed examination enables determination of the applicant's proficiency at the following levels:

- 1) English
 - a) the applicant is able to satisfy routine social demands and work requirements, is able to handle with confidence most social situations including introductions and casual conversations about current events, work, family, and autobiographical information; is able to comprehend most conversations on non-technical subjects (e.g., topics which require no specialized knowledge) and has a speaking vocabulary sufficient for self-expression; can usually

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

handle---elementary---constructions---accurately---The applicant's performance is such that if errors are made, they do not render speech unintelligible.

- ii) Non-English language--in which transitional-bilingual education is offered in Illinois.

The applicant is able to use the non-English language fluently---and---accurately---on---all---levels---normally pertinent to professional needs, is able to understand and participate in any conversation, within the range of the applicant's experience with a high degree of fluency, and precision of vocabulary, is able to respond appropriately, even in unfamiliar situations, with infrequent errors of pronunciation and grammar, is able to handle informal interpreting from and into the non-English language.

- B) The examination shall test reading ability through an instrument comparable to those prepared by the Modern Language Association and test oral facility by means of an examination similar to that employed in the Foreign Service Institute examination.

- C) The proposed examination procedure meets commonly accepted professional standards for assessing and using examinations and is equivalent in rigor to other approved examinations.

- B) The examination is uniformly administered to candidates with native and acquired language skills.

- B) The institution of higher education recognized for teacher education purposes accepts responsibility for implementing and supervising the examination procedures.

- 4) The Conduct of the Examination shall meet the following criteria:
A) Each institution must designate a test administrator for each language in which testing services are offered.

- B) Each institution must establish criteria for the selection of the test administrator and other persons who will make judgments during the examination procedures.

- C) Each institution must implement conditions to insure test reliability.

- B) Each institution must establish procedures for maintaining security of testing materials and results.

- B) Each institution must maintain a system of periodic internal review of testing procedures and maintain records demonstrating compliance with approved procedures.

- 5) Results of examination shall be documented as follows:
A) The institution shall forward the results of examinations within ten days, only to the State Board of Education.

- Manager of Certification and to the applicant.

- B) The institution shall not permit the use of the results of the examinations for any other purposes unless requested in writing by the applicant.

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

- E) The institution shall maintain copies of written examinations, audio or video tapes of oral interviews, and signed records of the evaluator's determination or shall maintain full documentation of unique testing processes. Such copies shall be retained for a minimum of three years.
- 6) Applicants who do not pass their respective language examinations may reapply after a period of three months from the date of the examination.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9360-2 effective July 1, 2001, for a maximum of 150 days)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.710 Definitions

EMERGENCY

For the purposes of this Subpart, the following definitions apply:

"Passing raw score" is the minimum number of items which must be answered correctly on a given test.

"Passing score" is the minimum scaled score a person must obtain in order to pass a test.

"Re-scoring Rescoring" means the process of reviewing an examinee's answers and the scores assigned to them to confirm that a test score reported to an examinee is the score earned by him or her.

"Retake" is the opportunity for a person who has taken a test of the Illinois Certification Testing System at one test administration to take the test in the same area as given at subsequent administrations.

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score (0), the maximum score (100), and the passing score (70) are set.

"Subarea score" is the scaled score for the subset of test items on a subject matter test which measures specific content, and the "subarea score" is the scaled score for each subset of test items on the basic skills test which measures specific content in reading, writing, grammar, and mathematics.

"Test" or "tests" refers to the test of basic skills, the language proficiency tests, and the tests of subject matter knowledge for the Illinois Certification Testing System. These tests are:
Agriculture

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

Art (K-12)
 Art (6-12)
 Basic Skills
 Grammar
 Mathematics
 Reading
 Writing
 Biological Science
 Blind and Partially Sighted
 Business/Marketing/Management
 Chemistry
 Chief School Business Official
 Computer Science
 Dance
 Deaf and Hard of Hearing
 Early Childhood
 Educable Mentally Handicapped
 Elementary
 English
 English as a Second Language
English Language Proficiency
 French
 General Administrative
 General Science
 General Supervisor
 German
 Guidance
 Health
 Health Occupations
 Hebrew
 History
 Family and Consumer Sciences
 Industrial Technology Education
 Italian
 Latin
 Learning Disabilities
 Mathematics
 Media
 Music (K-12)
 Music (6-12)
 Physical Education (K-12)
 Physical Education (6-12)
 Physically Handicapped
 Physical Science
 Physics
 Reading
 Russian
 School Nurse

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

School Psychology
 School Social Work
 Social/Emotional Disorders
 Social Science
 Spanish
 Speech
 Speech and Language Impaired
 Superintendent
 Theatre Arts
 Trainable Mentally Handicapped
Transitional Bilingual Education
Arabic
Cantonese
Greek
Gujarati
Hindi
Japanese
Korean
Lao
Mandarin
Polish
Russian
Spanish
Urdu
Vietnamese

"Test items" are specific questions asked on a test that require a person either to select the correct response from those alternative responses provided or to produce a written response.

"Test objective" is a statement of the behavior or performance measured by test items.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9360.23 effective July 1, 2001, for a maximum of 150 days)

Section 25.735 Frequency and Location of Examination

EMERGENCY

- a) The tests of basic skills and subject matter knowledge tests will be administered no fewer than three times a year and at no fewer than six sites each time at locations throughout the State. The English proficiency test and the language proficiency test in Spanish will be administered four times per year at one site in the Chicago area. Language proficiency tests in target languages other than Spanish will be administered twice per year at one site in the Chicago area.
- b) All test sites will be accessible to persons with disabilities.

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days)

Section 25.770 Re-scoring Rescoring**EMERGENCY**

- a) A person shall have the right to request re-scoring **rescoring** of the basic skills **a** test or **a** test of subject matter knowledge **tests**, provided such a request is submitted in writing and received by the State Board of Education within ten weeks after of the test administration date and is accompanied by payment of the applicable fee as set forth in Section 25.780 of this Part. A person shall also have the right to request re-scoring of a language proficiency test. However, no re-scoring service shall be available for the constructed-response portions of a language proficiency test; re-scoring on such a test shall be limited to the multiple-choice items only.
- b) In the case of any discrepancy discerned as a result of re-scoring **rescoring**, the State Board of Education will correct its records and inform all parties to whom the test score was reported as to the person's score.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: General Rules, Definitions
- 2) Code Citation: 92 Ill. Adm. Code 1000
- 3) Section Numbers: 1000.70
Emergency Action: Amendment
- 4) Statutory Authority: Chapters 11, 2 and 3 of the Illinois Vehicle Code [625 ILCS 5/Ch. 11, 2 and 3] and Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/Ch.6, Art. 1].
- 5) Effective Date of Amendment: July 1, 2001
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This Emergency Amendment will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: July 1, 2001
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Reason for Emergency: Recent legislation enhanced the retirement options for Department of Police sworn personnel. As a result, unexpected retirements will occur in the next 6 months. Given the fact that it takes over a year to place a qualified replacement in the field, there is a need to further streamline the hiring process. The Department must continue to meet its primary mission.
- 10) A Complete Description of the Subjects and Issues Involved: This proposed amendment creates a process for promotion to Investigator Sergeant and will also streamline the process by which Investigator Trainees are hired and promoted to the position of Investigator. The hiring process becomes more equitable by relying solely on a numerical score, rather than a most cumbersome interview process. A probationary period is also included.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: This emergency amendment will not require any new expenditures by units of local government.

13) Information and questions regarding these amendments shall be directed to:

Robert W. Mueller
Assistant General Counsel
Department of Driver Services
2701 S. Dirksen Parkway

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

Springfield IL 62723
217/782-5356

The full text of the Emergency Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1000

GENERAL RULES, DEFINITIONS

Section

Definitions

1000.10 Appointment of Subordinates
1000.20 Reciprocity, Prorate and Forced Registration Review Board (Repealed)
1000.30 Offices of the Secretary of State
1000.40 Forms
1000.50 Certification of Copies of Records
1000.60 Department of Police
1000.70

EMERGENCY

1000.80 Enforcement of the Illinois Vehicle Code (Repealed)
1000.90 Hearings (Repealed)
1000.110 Audits and Collections (Repealed)
1000.120 Audit Costs

AUTHORITY: Implementing Chapters 11, 2 and 3 of the Illinois Vehicle Code [625 ILCS 5/Ch. 11, 2 and 3] and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed and effective December 15, 1970; amended at 6 Ill. Reg. 2239, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 7152, effective May 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11067, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 6 Ill. Reg. 15040, effective December 1, 1982; amended at 7 Ill. Reg. 13677, effective October 14, 1983; amended at 8 Ill. Reg. 5353, effective April 6, 1984; amended at 9 Ill. Reg. 2326, effective February 1, 1985; amended at 13 Ill. Reg. 5185, effective April 1, 1989; amended at 13 Ill. Reg. 11844, effective July 1, 1989; emergency amendment at 24 Ill. Reg. 1681, effective January 14, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6950, effective April 24, 2000; emergency amendment at 25 Ill. Reg. 1016, effective July 1, 2001, for a maximum of 150 days.

Section 1000.70 Department of Police

EMERGENCY

- a) The investigators authorized pursuant to Section 2-115 of the Illinois Vehicle Code [625 ILCS 5/2-115] shall be appointed by the Secretary and organized into the Department of Police.
- b) The Department of Police, which is headquartered in Springfield, Illinois, shall have District headquarters throughout Illinois to enable the Department to best distribute its supervisory responsibilities and work load.
- c) The employees of the Department of Police shall be subject to the

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

Secretary of State Merit Employment Code [15 ILCS 310]; the Office of the Secretary of State's rules entitled Department of Personnel (80 Ill. Adm. Code 420); and the Department of Police General Orders. Where there is conflict between the policies of the Office and the General Orders of Police, the General Orders shall prevail. All employees and applicants of the Department of Police shall be subject to a background check conducted by the Department of Police and an interview conducted by the Department of Police to determine if the applicant is qualified to perform the job duties the--Office--policies shall-prevail.

- d) Sworn personnel shall mean the peace officers within the Department of Police.
- 1) The grades of sworn personnel, from lowest to highest, shall be Investigator Trainee, Investigator, Investigator Sergeant, Investigator Lieutenant, and Investigator Commander. Position descriptions for these employees shall be established by the Department of Personnel in accordance with Section 10a of the Secretary of State Merit Employment Code and 80 Ill. Adm. Code 420.210. Sworn-personnel-shall-be--selected--according--to--the following-procedures:
 - 3A) Application and Testing Procedures for Investigators and Investigator Trainees. Any applicant for the position of Investigator or Investigator Trainee must complete or pass successfully each of the following application procedures before proceeding to the next procedure.

A) The filing of the standard personnel form application.

B) A written entrance examination developed for police officers with general testing areas including, but not limited to, mathematics, logic, reading comprehension, scoring the highest score among the potential applicants. if-two-or-more-applicants-have-a-tied-score-and-have-passed the-other-requirements-for-the-position--selection-of--the candidate--shall-be-by--an-interview--conducted-by--the Department-of-Personnel.

C) A physical ability test, consistent with the physical ability standards set forth by the Illinois Police Officer Training and Standards Board (20 Ill. Adm. Code 1720.20-Appendix A) prior to the entrance into any of the Illinois certified basic police academies.

D) A background investigation conducted by the Department of Police to determine if the applicant has any criminal convictions and to verify that all information contained in the applicant's application is true and accurate.

E) A medical and a psychological examination using standard criteria.

F) An oral interview conducted by a panel of sworn officers of the Department in the grade of at least Investigator

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

Sergeant to determine the applicant's qualifications and suitability for employment in the Department of Police.

- 4B) Veterans preference points in accordance with 80 Ill. Adm. Code 420.300 will be given to persons who are honorably discharged from any armed force of the United States or any State National Guard.

5E) Each person newly hired into the Department as an Investigator Trainee shall have a 9 month training period (f80 Ill. Adm. Code 420.320). Upon successful completion of the training period, that person shall be promoted to an Investigator position and shall serve a 3 months probationary period (f80 Ill. Adm. Code 420.360).

6B) Applicants may submit their applications for consideration whenever a vacancy occurs.

7B) Each person newly hired into the Department as an Investigator shall have a 6 months probationary period as defined in 80 Ill. Adm. Code 420.130.

8) Application and Testing Procedures for Investigator Sergeants. Any applicant for the position of Investigator Sergeant must complete or successfully pass the following application procedure:

A) The filing of the standard personnel application form with the Department of Personnel with a copy to the Department of Police.

B) A written examination for Investigator Sergeants.

C) An oral interview conducted by a panel of command personnel appointed by the Director to determine the applicant's qualifications and suitability for promotion to the rank of Investigator Sergeant.

9) For purposes of this subsection (d), the term "command personnel" shall include the Director, Chief Deputy Director, Deputy Directors and Administrators of the Personnel and Finance Management Section of the Department of Police.

e) Miscellaneous provisions pertaining to the Department of Police

1) The Department of Police shall collect a storage fee in the amount of \$5 per day from any person or entity owning a vehicle which is stored on Secretary of State property for any reason. Such fees shall be deposited in the Road Fund.

2) The Department of Police, to implement Section 3-308 of the Illinois Vehicle Code, shall operate inspection stations at various locations throughout Illinois as the workload of inspecting rebuilt and salvage vehicles requires.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9376-02, effective July 1, 2001, for a maximum of 150 days)

ATTORNEY GENERAL

JULY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Not yet assigned

1) Rulemaking: Proposed rules

A) Description: The proposed rules will address the implementation of and participation in a statewide automated victim notification system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses. The rules will set out the scope and design of the system and the procedures, requirements, and standards for participation.

B) Statutory Authority: Rights of Crime Victims and Witness Act, 725 ILCS 120/8.5

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: September 2001

E) Affect on small businesses, small municipalities or not-for-profit corporation: The rules should not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Martha Newton, Chief
Crime Victim Services Division
Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601
312/814-5090

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Claims, Adjudication, Appeals and Hearings, 56 Ill. Adm. Code 2720

1) Rulemaking:

A) Description: The Department is considering an amendment to Section 2720.100 whereby the Department would verify the validity and proper assignment of the social security number presented to it by a claimant during the claims application process. This rulemaking would set forth the evidence needed by the claimant where a question is raised about his social security number and the consequences of the claimant's failure to present such evidence.

The Department is considering an amendment to Section 2720.130 to eliminate the provision that the timeliness of a protest to a benefit claim is determined by the postmark date of the envelope containing the protest (or the time imprinted by the Department's facsimile machine) only if it is mailed (or telefaxed) to the local office designated in the notice of claim to the employer. Such an amendment would provide that the timeliness of the protest would be measured from the postmark date (or time imprinted by the Department's facsimile machine) as long as it is sent to a Department of Employment Security facility.

The Department is considering an amendment to Section 2720.275 to specify that, prior to issuance to the parties, recommended decisions in labor dispute cases are to be submitted to the Director, who will then issue a decision, accepting, rejecting or modifying the recommendation. The Department will revise its rules to update agency addresses, as appropriate.

B) Statutory Authority: 820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304

C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for all amendments will be filed around December 2001.

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2001 REGULATORY AGENDA

E) Affect on small business, small municipalities or not for profit corporations: These rules would have an impact on all employers in the State.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Administrative Hearings and Appeals, 56 Ill. Adm. Code 2725

1) Rulemaking:

A) Description: The Department is considering amendments to several Sections to specify that the timeliness of a protest, appeal, objection or similar tax document filed with the Department is measured by the postmark date of the envelope containing such document (or the time imprinted by the Department's facsimile machine) as long as it is sent to a Department of Employment Security facility, even if that facility is not the office designated to receive such filings. The Department is also considering whether a document should be considered filed with the Department as of the date that it is given to a private delivery service. Currently, documents delivered by a private messenger are considered filed on the date of receipt by the Department, the same as if it were delivered by the employer. This rule change would treat a private delivery service the same as the U.S. Post Office. The Department will revise its rules to update agency addresses, as appropriate.

B) Statutory Authority: 820 ILCS 405/701, 702, 703, 705, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302 2304 and 2305

C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

D) Date(s) agency anticipates First Notice(s): It is expected

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2001 REGULATORY AGENDA

that First Notice for all amendments will be filed around December 2001.

E) Affect on small business, small municipalities or not for profit corporations: These rules would have an impact on all employers in the State.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Notices, Records, Reports, 56 Ill. Adm. Code 2760

1) Rulemaking:

A) Description: The Department is considering a rule to specify when the Director will terminate an employer's unemployment tax account on her own initiative.

A proposed amendment to Section 2760.140 is intended to clarify the ramifications of an employer's failure to file its quarterly report electronically when it is required to file electronically. A new example would explain that a reporting penalty is imposed monthly even if the employer submits its report on paper. When each penalty is imposed, the employer's contribution payment is reallocated to cover the penalty, and this will increase the balance of its unpaid contributions.

The second change to Section 2760.140 would clarify that, if the Internal Revenue Service grants an employer an exemption from its electronic reporting requirements for a particular year, the exemption will apply to the employer's compliance with this rule for the next year. For example, if the IRS exempts an employer from electronically filing W-2 forms for tax year 2000 (the forms must be filed in 2001), the employer need not file wage reports electronically or magnetically for any quarter in 2001.

A recent amendment to Section 1507 of the Act eliminates the requirement that an employer report a succession to

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2001 REGULATORY AGENDA

substantially all of a predecessor's employing enterprise within 120 days of the succession in order to succeed to the predecessor's contribution rate if that rate is lower than that of the successor. Rules need to be adjusted to accommodate this amendment.

- B) Statutory Authority: 820 ILCS 405/204, 234, 245, 300, 301, 302, 700, 1400, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around December 2001.

- E) Affect on small business, small municipalities or not for profit corporations: The rule on electronic reporting affects only entities with more than 250 employees. The other amendments affect all employers.

- F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Payment Of Unemployment Contributions, Interest And Penalties, 56 Ill. Adm. Code 2765

1) Rulemaking:

- A) Description: A recent amendment to the Unemployment Insurance Act allows the Director, by regulation, to disregard credit balances of less than \$2.00 in an employer's account. The Department is considering a rule to implement the amendment. The Department intends to promulgate rules regarding referral of receivables for Comptroller's offsets.

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2001 REGULATORY AGENDA

- B) Statutory Authority: 820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2201, 2201.1 and 2600

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around December 2001.

- E) Affect on small business, small municipalities or not for profit corporations: This rule affects all employers.

- F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

- G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Determination Of Unemployment Contributions, 56 Ill. Adm. Code 2770

1) Rulemaking:

- A) Description: The Director will make the annual announcement of the average contribution rates in each major Economic Division (e.g., mining, construction) as required to implement Section 1500 of the Act.

- B) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2001 REGULATORY AGENDA

September 2001.

- E) Affect on small business, small municipalities or not for profit corporations: This rule affects all newly liable employers.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

G) Related rulemakings and other pertinent information: None

- f) Part(s) (Heading and Code Citation): Recovery Of Benefits, 56 Ill. Adm. Code 2835

1) Rulemaking:

- A) Description: The Department intends to promulgate rules regarding referral of receivables for Comptroller's offsets.

The Department is considering an amendment to Section 2835.200 to allow a survivor of a deceased claimant to certify to the claimant's eligibility for benefits for periods prior to the claimant's death, where the claimant was unable to certify himself or herself.

- B) Statutory Authority: 820 ILCS 405/900, 901, 1700, 1701 and 1706

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around December 2001.

- E) Affect on small business, small municipalities or not for profit corporations: This rule would have no direct affect on employers.

F) Agency contact person for information:

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2001 REGULATORY AGENDA

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

G) Related rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): Claimant's Availability For Work, Ability To Work, And Active Search For Work, 56 Ill. Adm. Code 2865

1) Rulemaking:

- A) Description: Currently, the rules require that all applicants for unemployment insurance benefits register for work with the Job Service (to be redesignated as the Employment Service) except for certain specified reasons. In order to provide for the best possible referrals for employers, the Department would like to expand the reasons for exempting applicants from mandatory registration. The Department would also like to abolish the requirement for in-person registration, given that a claimant is now able to register on the Internet.

- B) Statutory Authority: 820 ILCS 405/409, 500, 1700 and 1701

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around December 2001.

- E) Affect on small business, small municipalities or not for profit corporations: This rule has no direct effect on employers.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2001 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Disqualifying Income And Reduced Benefits, 56 Ill. Adm. Code 2920

1) Rulemaking:

A) Description: The 2001 federal tax cut bill requires states to limit to 10 percent the amount of federal income tax that may be withheld from an individual's unemployment insurance benefits. The change requires an amendment to the Department's rule, which currently establishes the withholding rate at 15 percent.

B) Statutory Authority: 820 ILCS 405/234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1300, 1700 and 1701

C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around August 2001.

E) Affect on small business, small municipalities or not for profit corporations: This rule has no effect on employers.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

G) Related rulemakings and other pertinent information: None

- i) Part(s) (Heading and Code Citation): General Provisions, 56 Ill. Adm. Code 2960

1) Rulemaking:

A) Description: Responsibility for the Veterans Employment Act Program was transferred to the Department of Employment Security in 1993, and these rules provide guidelines for the

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2001 REGULATORY AGENDA

Program's administration. The Department is considering an amendment to clarify the requirements for financial record keeping and to eliminate the requirement for an annual audit by the Department.

The Department would like to adopt rules setting forth the procedure to be followed by a grantee or subgrantee which wishes to challenge an audit finding by the Department on the grantee or subgrantee's use of funds provided under the federal Workforce Investment Act of 1998. The procedure is currently governed by rules of the Department of Commerce and Community Affairs, which were made applicable to the Department of Employment Security by Executive Order 3 (2000).

The Department wishes to establish a formal procedure by which a provider can challenge a Department decision on its certification under the federal Workforce Investment Act of 1998.

B) Statutory Authority: 330 ILCS 25/1-25/7, 820 ILCS 405/1700, 1701, 1705 and 1900.

C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around December 2001.

E) Affect on small business, small municipalities or not for profit corporations: This rule affects all employers.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

G) Related rulemakings and other pertinent information: None

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

- a) Parts (Headings and Code Citations): ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS (2 Ill. Adm. Code 2175)

- 1) Rulemaking: No docket number presently assigned.

A) Description: 2 Ill. Adm. Code 2175 contains the Board's public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4]. Among the information contained in Part 2175 is a listing of the Board's offices, including their addresses and telephone numbers. The Board has changed the location of some of the satellite offices and needs to Board amend Part 2175 to reflect the changes of address and telephone number. In addition, further review of Part 2175 could indicate more amendments to this Part.

B) Statutory authority: Implementing and authorized by Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4].

C) Scheduled meeting/hearing dates: Public hearings are not required to amend 2 Ill. Adm. Code 2175. However, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.

D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Summer or Fall of 2001.

E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

G) Related rulemakings and other pertinent information: No other presently-anticipated proceedings would affect the text of Part 2175.

- b) Parts (Heading and Code Citation): PERMITS AND GENERAL PROVISIONS (35 Ill. Adm. Code 201)

- 1) Rulemaking: No docket number presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to the permitting of emission units that change locations at least once a year. This rulemaking would address the procedures for the transfer of Federally Enforceable State Operating Permits (FESOPs) to new owners following a change of ownership of a permitted source. The proposed rule would address the permitting of emission units that may emit pollutants at multiple sites.

B) Statutory authority: Implementing and authorized by Sections 10 and 27 of the Environmental Protection Act [415 ILCS 5/10 & 27].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Fall of 2001. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Fall of 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

corporation: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a portable emission unit.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conley@ipcb.state.il.us

G) Related rulemakings and other pertinent information: No other known proceeding would impact the provisions of Part 201. For information regarding the IEPA's development of its proposal, please contact the following IEPA attorney:

Rachel Doctors
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

c) Parts (Headings and Code Citations):
DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE CHICAGO AREA (35 Ill. Adm. Code 218)
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE METRO EAST AREA (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is currently developing amendments for proposal to the Board to accomplish several goals in a single cleanup rulemaking. This includes the following amendments to the Illinois ozone rules: (1) the rulemaking may amend existing air

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

pollution control rules for lithographic printing operations to clean up the existing language to make Parts 218 and 219 consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and with recent revisions to these rules; (2) the rulemaking may include amendments to existing rules for volatile organic liquid storage tanks; (3) the rulemaking may include a rule to amend existing rules for perchlorethylene dry cleaners, since perchloroethylene was delisted as a volatile organic material by the United States Environmental Protection Agency (USEPA); (4) the rulemaking may amend existing rules for capture efficiency testing in order to make state rules consistent with USEPA's final rule on the revised capture efficiency test methods; (5) the rulemaking may correct minor or nonsubstantive errors amending rules for incorporations by reference, batch operations, and afterburner operation, air oxidation reactors and vapor collection and control systems; and (6) the rulemaking may also amend Part 211 to conform any possible conflicting provisions with the changes made to 35 Ill. Adm. Code 218 and 219.

B) Statutory authority: Implementing and authorized by Sections 9.8, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2 & 28.5].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall of 2001. No hearings are scheduled at this time. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 of the Environmental Protection Act [415 ILCS 5/27 or 28.5] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Fall of 2001. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will be a clean-up of existing requirements.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conley@ipcb.state.il.us

- C) Related rulemakings and other pertinent information: Board docket R02-4 (see item (d) below) could affect the text of Part 211. No other presently-known prospective proceeding would potentially impact the general provisions of Part 218 or Part 219. For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Rachel Doctors
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- d) Parts (Heading and Code Citation): DEFINITIONS AND GENERAL PROVISIONS (35 Ill. Adm. Code 211)

- 1) Rulemaking: Docket number R02-4

A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the State Implementation Plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R02-4 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2001, through June 30, 2001. At this time, the Board is not aware of any federal amendments to the federal definition of VOM. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2001. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R02-4, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2001, the due date for Board adoption would be January 1, 2002.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC & 7418) for amendment of the Illinois ozone SIP.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2001, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2002, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-September 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R02-4, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-4, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccamb@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Other prospective proceedings (see item (c) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211. Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- e) Parts (Headings and Code Citations): NITROGEN OXIDES EMISSIONS (35 Ill. Adm. Code 217)

- 1) Rulemaking: No docket number presently assigned.

- A) Description: On October 27, 1998, USEPA found Illinois' State Implementation Plan (SIP), and that of numerous other states,

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

deficient for failing to contain provisions requiring control of emissions that contribute to non-attainment or interfere with maintenance of the ozone air quality standard in other states pursuant to Section 110(a)(2)(D) of the CAA. Under this rulemaking, Illinois was required to adopt NOx emission controls for four categories of industrial sources. The Agency has already proposed rules to control large stationary sources of nitrogen oxides (NOx), specifically, boilers and turbines serving electric generator units greater than 25 megawatts; boilers, and turbines with head input greater than 250 mmBtu/hr; and large cement kilns with ozone season emissions greater than one ton. The fourth category, large internal combustion engines, is the subject of this notice. The U.S. Court of Appeals for the D.C. Circuit remanded this category to USEPA for further consideration. Once USEPA promulgates a final rule for large internal combustion engines, the Agency will have to proceed promptly with the rulemaking. The Agency may also revise Sections in 35 Ill. Adm. Code 201 concerning continuous emissions monitoring.

- B) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28.5 of the Act [415 ILCS 5/10 & 26 27, and 28.5].

- C) Scheduled Meetings/Hearing Dates: IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated by the Fall of 2001. No hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule set forth in Section 28.5 of the Act for those rulemakings required under the federal CAA.

- D) Date Agency anticipates First Notice: IEPA submittal of a proposal to the Board will commence this proceeding, and that submittal is anticipated by the Fall of 2001, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rule would affect small businesses, municipalities, or not-for-profit corporations to the extent they own or operate a large internal combustion engine source that emits NOx.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently known proceedings would affect the text of Part 217. The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact the following IEPA attorney:

Vera Herst
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- f) Parts Heading(s) and Code Citation(s): Commercial and Industrial Solid Waste Incineration Units and Air Curtain Incinerators (35 Ill. Adm. Code 230)

- 1) Rulemaking: No docket presently reserved.

- A) Description: On December 1, 2000, pursuant to Sections 111(d) and 129 of the Clean Air Act, the US EPA promulgated emission guidelines for commercial and industrial solid waste incinerators as well as air curtain incinerators (65 Fed. Reg. 75337). Illinois is required to adopt a State plan that includes rules, implementing these emission guidelines. This rule would apply to units that commenced construction on or before November 29, 1999, and units where reconstruction or modification commenced prior to June 1, 2001.

- B) Statutory Authority: Implementing Sections 10, 39 and 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 39 and 39.5] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

[415 ILCS 5/27 & 28], possibly in Spring 2002.

- D) Date Agency Anticipates First Notice: A Winter 2001 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities or not-for-profit corporations: The prospective amendments would affect small businesses, small municipalities, or not-for-profit corporations that own or operate Existing Commercial and Industrial Solid Waste Incineration Units and Air Curtain Incinerators.

- F) Agency and Board contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 230. For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Rachel L. Doctors
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 524-3337
epa8956@epa.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact this rulemaking.

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

g) Part (Heading and Code Citation): TOXIC AIR CONTAMINANTS (35 Ill. Adm. Code 232)

- 1) Rulemaking: No docket presently reserved
- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board that would incorporate requirements for lead-based paint removal into the Illinois air pollution control regulations.
- B) Statutory authority: Implementing and authorized by Sections 9.5, 10 and 27 of the Environmental Protection Act [415 ILCS 5/9.5, 10 & 27].
- C) Scheduled meetings/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Fall of 2001. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Fall of 2001. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that engages in the removal of lead-based paint.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

conleye@pcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 232. For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:
- Deborah J. Williams
Illinois Environmental Protection Agency
Environmental Policy
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544
- h) Parts (Heading and Code Citation): MOBILE SOURCES (35 Ill. Adm. Code 240)
- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) and its vehicle emissions test contractor began enhanced vehicle inspection and maintenance (Enhanced I/M) testing under the Enhanced I/M test program in early 1999, as required by the federal Clean Air Act [42 USC & 7401 et seq.] and the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-1 et seq.]. The United States Environmental Protection Agency has issued regulations concerning one component of that test, the testing of "on-board diagnostic" (OBD) equipment of most model year 1996 and newer vehicles at 66 FR 18156 (April 5, 2001). The IEPA is proposing to incorporate several elements of that rulemaking in Part 240. These include providing flexibility to the pass, fail, and reject criteria for OBD testing.

- B) Statutory Authority: Implementing Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

- C) Scheduled meeting/hearing dates: The IEPA anticipates filing a rulemaking proposal with the Board in the Summer or Fall of 2001. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of a

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Summer or Fall of 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

G) Related rulemaking and other pertinent information: The IEPA anticipates filing a proposed rulemaking revising 35 Ill. Adm. Code 276 concerning OBD testing procedures in the Summer or Fall of 2001. For information regarding the IEPA's development of this proposal, please contact the following person:

Christopher Demeroukas
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

i) Part (Heading and Code Citation): INTRODUCTION (35 Ill. Adm. Code 301)

1) Rulemaking: Docket number ROL-31

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

A) Description: The Illinois Environmental Protection Agency (IEPA) has filed a rulemaking proposal before the Board that would add a new section to the water pollution control regulations regarding procedures for Provisional Variances from Water Temperature Standards (35 Ill. Adm. Code 301.109). The proposal would establish requirements for IEPA recommendations to the Board for the grant of provisional variances from a water temperature standard in a permit, regulation, or other requirement of the Board. The new section would also provide several conditions that should be contained in a provisional variance from a thermal limit. The proposal is intended to clarify the information provisional variance applicants should submit to the IEPA in support of requests for provisional variances from a thermal limit.

B) Statutory authority: Implementing and authorized by Sections 11, 13, 27 and 35 of the Environmental Protection Act [415 ILCS 5/11, 13, 27 & 35].

C) Schedule meeting/hearing date: The Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28]. A hearing was held in Springfield on June 7, 2001. A second hearing will be held in Chicago on July 20, 2001.

D) Date agency anticipates First Notice: The Board anticipates moving to First Notice with this proposal in the late Summer of 2001. When the Board decides to move to First Notice it will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that has a thermal component to its wastewater discharge into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related rulemaking and other pertinent information: No other presently known Board proceedings would potentially impact the general provisions of Part 301. For information regarding the IEPA's development of this proposal, please contact the following person:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-1654

- j) Part (Heading and Code Citation): WATER QUALITY STANDARDS (35 Ill. Adm. Code 302)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is reviewing the water quality standards and criteria pertaining to various wastewater parameters. The IEPA has stated that it may prepare a petition to update the standards and criteria for filing before the Board if necessary. The water quality parameters that the proposal would affect might include, but might not be limited to, the following: selenium, cadmium, zinc, nickel, barium, benzene, toluene, ethylbenzene, xylene, and weak acid dissociable cyanide.

- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

- C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in Summer 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in Summer 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Effect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-1654

- k) Part (Heading and Code Citation): WATER USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS (35 Ill. Adm. Code 303)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is reviewing the use designation of the lower Des Plaines River

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

from its confluence with the Chicago Sanitary and Ship Canal to the Interstate 55 bridge. 35 Ill. Adm. Code 303.441(i) designates this portion of the river as a secondary contact and indigenous aquatic life water body. The Agency anticipates this review will lead to a proposal to update the designation of this portion of the Des Plaines River.

B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Schedule meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal during the Spring or Summer of 2002. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal during the Spring or Summer of 2002. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the Des Plaines River.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

G) Related rulemaking and other pertinent information: No other

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

presently known Board proceedings would potentially impact the general provisions of Part 303. For information regarding the IEPA's development of this proposal, please contact the following person:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-1654

1) Part (Heading and Code Citation): EFFLUENT STANDARDS (35 Ill. Adm. Code 304)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to deoxygenating wastes. This rule would replace the five-day biochemical oxygen demand (BOD5) effluent standard with the carbonaceous biochemical oxygen demand (CBOD5) standard.

B) Statutory Authority: Implementing and authorized by Sections 13 and 27 of the Environmental Protection Act [415 ILCS 5/13 & 27].

C) Schedule meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in Summer 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA expects to file a proposal in Summer 2001 with the Board. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on Small Businesses, small municipalities or not for profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

G) Related rulemaking and other pertinent information: For information on the Agency's development of this proposal contact:

Tom McSwiggin
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield Illinois 62794-9276
(217) 782-0610

m) Parts (Headings and Code Citations):
SEWER DISCHARGE CRITERIA (35 Ill. Adm. Code 307)
PRETREATMENT PROGRAMS (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R02-3

A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved docket number R02-3 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2001, through June 30, 2001. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR 400 through 499 and its implementation. This action, together with a brief description, is as follows:

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

66 Fed. Reg. 3770
(January 22, 2001)
USEPA adopted effluent limitations and new source performance standards applicable to the offshore and coastal subcategories of the oil and gas extraction point source category.

The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois wastewater pretreatment regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 400 through 499. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2001. The Board will propose corresponding amendments to the wastewater pretreatment regulations using the identical-in-substance procedure.

Section 9.1(e) of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is January 22, 2001, the due date for Board adoption of all amendments in the period would be January 22, 2002.

B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3 and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].

C) Scheduled meeting/hearing dates: None are scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2001, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 22, 2002, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-November 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R02-3, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-3, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccamb@pcb.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Parts 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [595 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

n) Parts (Headings and Code Citations): PERMITS (35 Ill. Adm. Code 309)

1) Rulemaking: No docket number presently assigned.

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. The rules

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

would amend the standards and procedures for the IEPA to use in setting effluent limits by permit that are necessary to ensure compliance with water quality standards for individual dischargers that are derived under 35 Ill. Adm. Code 304.105.

B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in Summer 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in Summer 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (o) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 309. For information regarding the

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

IEPA's development of this proposal, please contact the following person:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-1654

o) Parts (Heading and Code Citation): PERMITS (35 Ill. Adm. Code 309)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. The rules would amend the criteria to be used by the IEPA in determining mixing zones necessary to ensure compliance with water quality standards for individual dischargers under 35 Ill. Adm. Code 302.102.

B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in Summer 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in Summer 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

G) Related rulemaking and other pertinent information: Another prospective proceeding and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 309. For information regarding the IEPA's development of this proposal, please contact the following person:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 Grand Ave. East
Springfield, IL 62794-9276
217-782-1654

P) Parts (Heading and Code Citation): STANDARDS FOR SLUDGE MANAGEMENT (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge that is applied to land.

B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]

C) Schedule meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal during the Summer of 2001. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal during the Summer of 2001. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information: No other presently known Board proceedings would potentially impact the general provisions of Part 313.

The IEPA anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter. For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Lisa Moreno
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Interested persons may also contact the following IEPA representative about its prospective rulemaking proposal:

Alan Keller, P.E.
Manager, Northern Municipal Unit
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-0810

q) Parts (Headings and Code Citations):

GENERAL PROVISIONS (35 Ill. Adm. Code 501)
PERMITS (35 Ill. Adm. Code 502)
OTHER AGRICULTURAL AND SILVICULTURAL ACTIVITIES (35 Ill. Adm. Code 503)
IMPLEMENTATION PROGRAM (35 Ill. Adm. Code 504)

l) Rulemaking: Docket number R98-11

A) Description: The Board opened this rulemaking docket R98-11 on September 4, 1997, to identify and reconcile any inconsistencies between the LMFA-related regulations of Part 506 and the pre-existing agricultural-related pollution regulations of Parts 501 through 504.

Since the opening of docket R98-11, however, Public Acts 90-565 and 91-110, effective July 13, 1999, again amended the LMFA. The Board opened docket R98-26 to amend the LMFA-related rules to conform with the subsequent statutory amendments. The Board entered an order on January 22, 1998 staying the R98-11 rulemaking proceeding until the conforming amendments of docket R98-26 are completed. It is unlikely that the Board will proceed with this docket since P.A. 91-110 delegated a majority of the regulations to the Department of Agriculture. However, the Board will wait to act on this docket until reviewing the Department's final rules and the corresponding proposal to 35 Ill. Adm. Code 506.

B) Statutory authority: Implementing and authorized by Sections 9, 13, 22, and 27 of the Environmental Protection Act [415 ILCS 5/9, 13, 22 & 27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

5/27 & 28].

- D) Date agency anticipates First Notice: Any action on this docket will occur in the Summer or Fall of 2001.
- E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or an associated waste handling structure.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-11, as follows:

Carol Sudman, Attorney
Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704
217-524-8509.
csudman@ipcb.state.il.us

Address questions concerning this regulatory agenda, noting docket number R98-11, as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other known proceeding would impact the provisions of Parts 501, 502, 503, or 504.

r) Parts (Heading and Code Citation): PERMITS (35 Ill. Adm. Code 602)

- 1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board to establish criteria for the design, operation, and maintenance of public water supplies, and rules to facilitate the permitting process.

B) Statutory Authority: Implementing and authorized by Section 17

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/17 & 5/27].

- C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by December 2001. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 602. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Lou Allyn Byus
Assistant Manager, Field Operations Services Section
Division of Public Water Supplies
Bureau of Water

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217-782-8653

- s) Parts (Heading and Code Citation): PRIMARY DRINKING WATER STANDARDS (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R02-5

- A) Description: Section 17.5 of the Environmental Protection Act 59415 ILCS 5/17.55D mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R02-5 to accommodate any amendments to the SDWA primary drinking water regulations, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2001, through June 30, 2001. At this time, the Board is aware that USEPA undertook a number of actions that affected the text of 40 CFR 141 through 143. These actions, together with a brief description of each, are as follows:

66 Fed. Reg. 2273 (January 11, 2001)
USEPA approved analytical methods for 13 List 2 unregulated contaminants that suppliers must monitor.

66 Fed. Reg. 3466 (January 16, 2001)
By a direct final rule, USEPA approved the use of updated test procedures for determination of various contaminants in water and wastewater.

66 Fed. Reg. 3770 (January 16, 2001)
USEPA adopted minor amendments to the December 16, 1998 (63 Fed. Reg. 69478 and 69390) interim enhanced surface water rule (63 Fed. Reg. 69478) and the Stage 1 disinfectants and disinfection by products rule (63 Fed. Reg. 69390). USEPA had earlier adopted these amendments by a direct final rule on April 14, 2000 (65 Fed. Reg. 20304), but later withdrew those amendments as a result of adverse public comment on June 13, 2000 (65 Fed. Reg. 37052). USEPA again adopted the amendments after receiving

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

66 Fed. Reg. 6976 (January 22, 2001)
additional public comments. USEPA adopted National Primary Drinking Water Regulations for arsenic in drinking water.

66 Fed. Reg. 9903 (February 12, 2001)
USEPA corrected its action of January 16, 2001 (66 Fed. Reg. 3770) pertaining to the interim enhanced surface water rule and the Stage 1 disinfectants and disinfection by products rule.

66 Fed. Reg. 16134 (March 23, 2001)
USEPA delayed the effective date of the January 22, 2001 (66 Fed. Reg. 6976) arsenic rule for 60 days, until May 22, 2001.

66 Fed. Reg. 26795 (May 15, 2001)
USEPA withdrew its January 16, 2001 (66 Fed. Reg. 3466) direct final rule that approved the use of updated test procedures for determination of various contaminants in water and wastewater.

66 Fed. Reg. 27215 (May 16, 2001)
USEPA corrected its January 11, 2001 (66 Fed. Reg. 2273) approval of analytical methods for 13 List 2 unregulated contaminants that suppliers must monitor.

66 Fed. Reg. 28342 (May 22, 2001)
USEPA again delayed the effective date of the January 22, 2001 (66 Fed. Reg. 6976) arsenic rule to February 22, 2002.

The Board has not determined the nature of any amendments that might be required by the above federal actions. The Board must determine what amendments, if any, will be necessary in response to the federal amendments. Further, the Board has not yet determined whether this listed federal action is the only federal action that affect the text of 40 CFR 141 through 143. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2001. The Board will then propose corresponding amendments to the Illinois SDWA regulations using the identical-in-substance procedure or dismiss docket R02-5, as necessary and appropriate.

Section 17.5 mandates that the Board complete its amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Board action on the first action in the update period, that of January 11, 2001, the due date for Board adoption would be January 11, 2002.

B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates: None are scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2001, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 11, 2002, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-October 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R02-5, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-5, as follows:

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information: Another prospective proceeding (see item (t) below) and other, as yet unknown proceedings could affect the text of Part 611. Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

t) Parts (Headings and Code Citations): LABORATORY ACCREDITATION RULES (35 Ill. Adm. Code 611)

1) Rulemaking: No docket presently reserved

A) Description: The IEPA proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the Illinois Environmental Protection Agency's (IEPA's) laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.

B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].

C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by December 2001. The Board

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Affect on small business, small municipalities or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

G) Other pertinent information concerning these amendments: Another prospective proceeding (see item (s) above) and other, as yet unknown proceedings could affect the text of Part 611. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Joey Logan-Wilkey
Assistant Counsel
Division of Legal Counsel

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217-782-5544

u) Parts (Heading and Code Citation): MAXIMUM SETBACK ZONES (35 Ill. Adm. Code 618)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board that would establish general provisions for maximum setback zone regulations. This new Part would, in subpart B, prescribe maximum setback zone prohibitions and the applicable technology control regulations that apply under existing regulations for new and existing potential primary sources of groundwater contamination, new potential routes of groundwater contamination and new and existing activities regulated under 35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616 and 8 Ill. Adm. Code 257 that are located wholly or partially within the maximum setback zone boundaries of the Illinois American Water Company, Peoria, wells as delineated within the prospective regulation.

B) Statutory Authority: Implementing and authorized by Sections 14.3 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 & 5/27].

C) Scheduled meeting/hearing dates: In preparing the proposal, the IEPA has met extensively with members of the Peoria City Council, the local business community, and representatives of Illinois American Water Company. The Council recognized the need for a maximum setback zone regulation. No new meetings are scheduled at this time. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by December 2001. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

E) Affect on Small Businesses, small municipalities or not for profit corporations: Small businesses, small municipalities or not for profit corporations that engage in certain activities in the affected area may be affected by having constraints imposed upon new activities within the maximum zone.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 618. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217-782-8653

V) Parts (Heading and Code Citation): GROUNDWATER QUALITY (35 Ill. Adm. Code 620)

1) Rulemaking: R01-14

A) Description: The Illinois Environmental Protection Agency (IEPA) has filed a rulemaking proposal before the Board that would amend Section 620.505 of the groundwater quality regulations (35 Ill. Adm. Code 620.505) in response to an interpretation of that

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Section by the appellate court in *People v. Stonehedge* (94-CH-46, May 22, 1997). Compliance monitoring points are broken into different categories in Section 620.505. Samples taken from potable water wells other than community water supply wells are acceptable under certain circumstances. The amendments would seek to expand those circumstances to instances in which the IEPA has sufficient hydrogeologic, geologic, construction, and other information to determine the reliability of data generated by analyses of samples from those wells. The amendment would provide increased protection of the groundwater by allowing sampling of greater sampling points.

B) Statutory Authority: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act, 415 ILCS 55/8 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The Board held two hearing on the proposal on March 1, 2001 and on April 5, 2001.

D) Date agency anticipates First Notice: The Board anticipates moving to First Notice with this proposal in the Summer of 2001.

E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses, small municipalities or not for profit corporations would be affected by the amendments to the extent they engage in any activity that requires demonstration of compliance with the groundwater quality standards.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Joel Sternstein
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-3665
STERNSTJ@pcb.state.il.us

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

G) Related Rulemaking and other pertinent information: No other

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

known proceeding would impact the provisions of Part 620. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217-782-8653

w) Parts (Heading and Code Citation): DISTRIBUTION SYSTEM STANDARDS (35 Ill. Adm. Code Subpart F)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Pollution Control Board (Board) to amend 35 Ill. Adm. Code Subpart F (Subtitle F) to incorporate distribution system standards including minimum water main pressure, and minimum levels of chlorine and fluoride, and other chemicals. In addition, the Illinois EPA plans to incorporate the requirements for water main and water service line separation from storm sewers, sanitary sewers, and sewer service lines.

B) Statutory Authority: Implementing Sections 15 and 18 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/15, 18 & 27].

C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28].

D) Date agency anticipates First Notice: The IEPA anticipates that proposed amendments to Subtitle F will be submitted to the Board by December 2001. The Board cannot project an exact date for publication at this time. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for distribution systems.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

G) Related Rulemakings and other pertinent information: No other known proceeding would impact the provisions of this Part. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Stephen C. Ewart, Deputy Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave., East
Springfield, IL 62702

x) Parts (Headings and Code Citations):

RCRA AND UIC PERMIT PROGRAMS (35 Ill. Adm. Code 702)
UIC PERMIT PROGRAM (35 Ill. Adm. Code 704)
PROCEDURES FOR PERMIT ISSUANCE (35 Ill. Adm. Code 705)
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL (35 Ill. Adm. Code 720)
UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS (35 Ill. Adm. Code 730)
HAZARDOUS WASTE INJECTION RESTRICTIONS (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R02-6

A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R02-6 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2001, through June 30, 2001. At this time, the Board is not aware of any federal actions that would affect the text of 40 CFR 144 through 148. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2001. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure or dismiss docket R02-6, as necessary and appropriate.

Section 13(c) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is the first day of the update period, on January 1, 2001, the due date for Board adoption of all amendments in the period would be January 1, 2002.

B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. When the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2001, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2002, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-November 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

the extent the affected entity engages in the underground injection of waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R02-6, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-6, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccamb@pcb.state.il.us

G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket R02-1 (see item (y) below), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 730 and 738. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

Y) Parts (Headings and Code Citations):
RCRA AND UIC PERMIT PROGRAMS (35 Ill. Adm. Code 702)
RCRA PERMIT PROGRAM (35 Ill. Adm. Code 703)
PROCEDURES FOR PERMIT ISSUANCE (35 Ill. Adm. Code 705)
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL (35 Ill. Adm. Code 720)
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE (35 Ill. Adm. Code 721)
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE (35 Ill. Adm. Code 722)
STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE (35 Ill. Adm. Code 723)
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

TREATMENT, STORAGE, AND DISPOSAL FACILITIES (35 Ill. Adm. Code 724)
 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
 TREATMENT, STORAGE, AND DISPOSAL FACILITIES (35 Ill. Adm. Code 725)
 STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC
 TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES (35 Ill. Adm. Code 726)
 LAND DISPOSAL RESTRICTIONS (35 Ill. Adm. Code 728)
 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT (35 Ill. Adm. Code 733)
 STANDARDS FOR THE MANAGEMENT OF USED OIL (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R02-1

A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R02-1 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2001, through June 30, 2001. At this time, the Board is aware of the following federal actions that occurred in this time-frame:

- 66 Fed. Reg. 3466 By a direct final rule, USEPA
 (January 16, 2001) approved the use of updated test procedures for determination of various contaminants in water and wastewater. USEPA amended 40 C.F.R. 136, which is incorporated by reference in 35 Ill. Adm. Code 720.111.
 USEPA withdrew segments of the June 19, 1998 (63 Fed. Reg. 33821) hazardous waste combustor rule.
 USEPA withdrew its January 16, 2001 (66 Fed. Reg. 3466) direct final rule that approved the use of updated test procedures for determination of various contaminants in water and wastewater.
 USEPA adopted relaxed requirements for low-level radioactive waste that is mixed with hazardous waste (LLMW) and enhanced naturally occurring and accelerator-produced radioactive material (NARM).
- 66 Fed. Reg. 24270
 (May 14, 2001)
- 66 Fed. Reg. 26795
 (May 15, 2001)
- 66 Fed. Reg. 27218
 (May 16, 2001)

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

66 Fed. Reg. 27266 USEPA adopted the retention of the
 (May 16, 2001) mixture rule and derived-from rule in
 the hazardous waste regulations.

The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois RCRA Subtitle C hazardous waste regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 260 through 270, 273, and 279. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2001. The Board will propose corresponding amendments to the RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is January 16, 2001, the due date for Board adoption of all amendments in the period would be January 16, 2002.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2001, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 16, 2002, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-January 2002. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R02-1, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-1, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambm@ipcb.state.il.us

G) Related rulemakings and other pertinent information: The reserved UIC update docket R02-6 (see item (x) above), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, and 739. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

Z) Parts (Heading and Code Citation):
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE (35 Ill. Adm. Code Part 722)
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES (35 Ill. Adm. Code Part 724)
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES (35 Ill. Adm. Code Part 725)

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

NONHAZARDOUS SPECIAL WASTE HAULING AND THE UNIFORM PROGRAM (35 Ill. Adm. Code Part 809)
STANDARDS FOR NEW SOLID WASTE LANDFILLS (35 Ill. Adm. Code Part 811)
OPERATION OF THE HAZARDOUS WASTE FEE SYSTEM (35 Ill. Adm. Code Part 855).

1) Rulemaking: No docket presently reserved

A) Description: The IEPA plans to repeal certain provisions requiring the submission of copies of manifests to the Agency.

B) Statutory authority: Regarding Parts 722, 724 and 725, Sections 22.4 and 27 of the Act [415 ILCS 5/22.4 and 27] Regarding Part 809, Sections 5, 10, 13, 21, 22, 22.01, 22.2 and 27 of the Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27] Regarding Part 811, Sections 5, 21, 21.1, 22, 22.17, 28.1 and 27 of the Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27] Regarding Part 855, Sections 22.2(c) and 27 of the Act [415 ILCS 5/22.2(c) and 27]

C) Scheduled meeting/hearing dates: The IEPA anticipates it will file a rulemaking proposal in Summer or Fall of 2001. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

D) Date Agency anticipates First Notice, if known: The IEPA anticipates submitting its proposal in Summer or Fall of 2001, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation required to submit copies of manifests to the IEPA.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

217-782-2471

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For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

- G) Related rulemakings and other pertinent information: See related rulemakings in the Board identical-in-substance rulemakings (items (x) and (y) above).

aa) Part (Heading and Code Citation): UNDERGROUND STORAGE TANKS (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R02-2

- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R02-2 to accommodate any amendments to the 40 CFR 281 through 283 that USEPA may make in the period January 1, 2001, through June 30, 2001. At this time, the Board is not aware of any federal amendments. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2001. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R02-2, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Board action on the first day of the update period, on January 1, 2001, the due date for Board adoption would be January 1, 2002.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. No hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2001, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2002, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early - November 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R02-2, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-2, as follows:

Michael J. McCambridge, Attorney
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Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

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mccambm@cb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the text of Part 731.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- bb) Parts (Headings and Code Citation): PETROLEUM UNDERGROUND STORAGE TANKS (35 Ill. Adm. Code 732)

1) Rulemaking: R01-26

- A) Description: The amendments will revise the regulations prescribing procedures and standards for the Agency's administration of its duties under the Leaking Underground Storage Tank ("LUST") program. These proposed amendments are intended primarily to clarify and refine certain provisions, taking into account the experience the Agency has gained in administering the rules and changes in the law since their adoption.

- B) Statutory Authority: These amendments have been proposed pursuant to Sections 5/21.1 and 22 of the Illinois Environmental Protection Act (415 ILCS 5/5, 5/21.1 and 5/22)

- C) Scheduled Meeting/Hearing Dates: The Board held hearings on this proposal February 27, 2001 and April 3, 2001.

- D) Date Agency Anticipates First Notice: The Board anticipates moving to First Notice with this rulemaking in the Summer of 2001.

- E) Effect on Small Business, Small Municipalities or Not for Profit Corporations: These amendments will not affect small businesses, small municipalities or not for profit corporations.

- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Joel Sternstein
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Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conley@pcb.state.il.us

- G) Related Rulemaking and other pertinent information: None. For information regarding the development of these amendments please contact:

Judith S. Dyer
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

- cc) Part, Heading and Code Citation: SITE REMEDIATION PROGRAM (35 Ill. Adm. Code 740)

1) Rulemaking: R01-27

- A) Description: Since Part 740 was adopted on June 5, 1997, the Illinois Environmental Protection Agency's (Illinois EPA) implementation of the rules has given rise to the need for some additions, corrections, and clarifications to the existing rules. The primary purpose of the amendments will be to correct mistakes and omissions, clarify ambiguities, and insure consistency across the regulations for the Site Remediation Program, Leaking Underground Storage Tank (LUST) Program (35 Ill. Adm. Code 732), and Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742).

- B) Statutory authority: Sections 4(i), 27 and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28].

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: The Board held hearings on this proposal on February 28, 2001 and April 4, 2001.

D) Date Agency anticipates First Notice: The Board anticipates moving to First Notice with this rulemaking in the Summer of 2001

E) Effect on small businesses, small municipalities or not-for-profit corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation under the Site Remediation Program. In most cases, participation in the Site Remediation Program is voluntary, the exception being participation under Board or court orders arising out of enforcement actions. For those who do choose to participate, the proposed amendments are not expected to make substantial changes to the existing program.

One group of small businesses that will be affected is laboratories performing analyses of soil and water samples. The amendments will propose the phase-in of a requirement that laboratories performing analyses for sites in the Site Remediation Program must be accredited under 35 Ill. Adm. Code 186.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
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conleye@ipcb.state.il.us

G) Related rulemakings and other pertinent information: The Citizens for a Better Environment group has also proposed amendments to Part 740. See item dd below. Additionally, the Illinois EPA has proposed amendments to the LUST regulations. See item (bb) above. For information regarding the Illinois EPA's development of the amendments to Part 740: Site Remediation Program, please contact:

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Mark Wight
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

dd) Part, Heading and Code Citation: SITE REMEDIATION PROGRAM (35 Ill. Adm. Code 740)

1) Rulemaking: R01-29

A) Description: The Citizens for a Better Environment submitted a proposal to the Board calling for additional public hearing, record keeping, and reporting requirements on all Site Remediation Program sites intended to be used as schools.

B) Statutory authority: Sections 4(i), 27 and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28].

C) Scheduled meeting/hearing dates: The Board held hearings on this proposal on February 28, 2001 and April 4, 2001.

D) Date Agency anticipates First Notice: The Board anticipates moving to First Notice with this rulemaking in the Summer of 2001

E) Effect on small businesses, small municipalities or not-for-profit corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation under the Site Remediation Program. In most cases, participation in the Site Remediation Program is voluntary, the exception being participation under Board or court orders arising out of enforcement actions

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

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- G) Related rulemakings and other pertinent information The Illinois EPA has proposed amendments to the SRP regulations (see. item (cc) above.

ee) Parts (Headings and Code Citations): ILLINOIS HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (35 Ill. Adm. Code 750)

- 1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency is planning to propose amendments to the Board's regulations that will repeal the removal and remedial action provisions of Part 750 and amend the remaining provisions to make them consistent with the current National Contingency Plan.

B) Statutory Authority: Sections 22.7 and 27 of the Environmental Protection Act [415 ILCS 5/22.7 and 27].

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act. [415 ILCS 5/27, 28].

D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in Fall or Winter of 2001, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The IEPA does not expect this rule to affect any small business, small municipality, or not-for-profit corporations

F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Address questions concerning this regulatory agenda as follows:

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For information regarding the development of these amendments please contact:

Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

- G) Related Rulemaking and other pertinent information: The Agency plans to propose amendments in the future that will replace the removal and remedial action provisions being repealed in this proposal. The anticipated date for the future proposal is currently unknown.

ff) Parts (Headings and Code Citations):

SOLID WASTE (35 Ill. Adm. Code 807)
SOLID WASTE DISPOSAL: GENERAL PROVISIONS (35 Ill. Adm. Code 810)
STANDARDS FOR NEW SOLID WASTE LANDFILLS (35 Ill. Adm. Code 811)
INFORMATION TO BE SUBMITTED IN A PERMIT APPLICATION (35 Ill. Adm. Code 812)
PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS (35 Ill. Adm. Code 813)
INTERIM STANDARDS FOR EXISTING LANDFILLS AND UNITS (35 Ill. Adm. Code 814)
PROCEDURAL REQUIREMENTS FOR ALL LANDFILLS EXEMPT FROM PERMITS (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R02-7

A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R02-7 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

USEPA may make in the period January 1, 2001, through June 30, 2001. At this time, the Board is not aware of any amendments to the federal RCRA Subtitle D MSWLF regulations. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2001. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF rules using the identical-in-substance procedure or dismiss docket R02-7, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete its amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R02-7, if the earliest federal amendments in the applicable period is assumed to have occurred on January 1, 2001, the nominal due date would be January 1, 2002.

B) Statutory authority: Implementing and authorized by Sections 7-2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2001, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2002, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-November 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R02-7, as follows:

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R02-7, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
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G) Related rulemakings and other pertinent information: No other presently-known proceedings would affect the text of Parts 807, 810, 811, 812, 813, 814, or 815. Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

hh) Parts (Heading and Code Citation): MANAGEMENT OF USED AND WASTE TIRES (35 Ill. Adm. Code Part 848)

1) Rulemaking: No docket presently reserved

A) Description: Since its adoption of Board rules on May 10, 1991, the IEPA's implementation of Part 848 has given rise to the need for amendments and corrections to better implement the used and waste tire management program.

B) Statutory authority: Sections 27 and 55.2 of the Act [415 ILCS 5/27 and 55.2].

C) Scheduled meeting/hearing dates: The IEPA anticipates it will file a rulemaking proposal in Summer or Fall of 2001. No meetings or hearings are scheduled at this time. Once the proposal is filed the Board will conduct public hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27, 5/28].

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

- D) Date Agency anticipates First Notice, if known: The IEPA anticipates submitting its proposal in Summer or Fall of 2001, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used and waste tires.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
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For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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Springfield, IL 62794-9276
217-782-5544

- G) Related rulemakings and other pertinent information: No other presently known proceedings are expected to impact Part 848.

ii) Parts (Heading and Code Citation):

GENERAL PROVISIONS (35 Ill. Adm. Code Part 900);

SOUND EMISSION STANDARDS AND LIMITATIONS FOR PROPERTY LINE-NOISE-SOURCES (35 Ill. Adm. Code Part 901)

- 1) Rulemaking: No docket presently reserved

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

- A) Description: 35 Ill. Adm. Code Part 900 contains the general provisions to the Board's noise regulations. Section 900.103 sets forth the procedures to be used for measuring sound. Under that Section the procedures used must be in substantial conformity with certain standards of the American National Standards Institute ("ANSI"). The ANSI standards referenced in Section 900.103, however, are now outdated. The proposed amendments will update the references to current ANSI standards. 35 Ill. Adm. Code Part 901 contains the standards for allowable sound levels from property line noise sources. 35 Ill. Adm. Code 901.104 contains limits for impulsive sound and requires sound to be measured with "fast dynamic characteristic" and is therefore inconsistent with 35 Ill. Adm. Code 900.103(b), which requires sound to be measured as "leq". Section 901.104 will be amended to comply with the requirements of Section 900.103(b).

- B) Statutory authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/25 and 5/27).

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act (415 ILCS 5/27, 5/28), possibly in Summer or Fall of 2001.

- D) Date Agency anticipates First Notice, if known: A Summer or Fall 2001 IEPA submittal of the proposal to the Board is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking may affect any small business, small municipality or not-for-profit corporation subject to the Board's noise regulations.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

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Pollution Control Board
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Address questions concerning this regulatory agenda as follows:

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POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

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For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

- G) Related rulemakings and other pertinent information: The IEPA plans to repeal 35 Ill. Adm. Code Parts 951 and 952. Those Parts set forth measurement procedures adopted pursuant to 35 Ill. Adm. Code 900.103, and are therefore based upon outdated ANSI standards.

jj) Parts (Headings and Code Citations):

GENERAL PROVISIONS (35 Ill. Adm. Code 1420)
ACTIVITY STANDARDS (35 Ill. Adm. Code 1421)
DESIGN AND OPERATION OF FACILITIES (35 Ill. Adm. Code 1422)

- 1) Rulemaking: No docket presently reserved.

- A) Description: 35 Ill. Adm. Code Subtitle M, Parts 1420, 1421, and 1422, are the rules for Potentially Infectious Medical Waste (PIMW). Through administration of these rules, the IEPA has identified a need for the disposal outside of the municipal waste stream of household medical waste, including sharps, generated from home health care. One approach under consideration is to exempt from the transfer station permit requirement doctors' offices, hospitals and pharmacies that accept household-generated medical wastes for transfer to disposal facilities. The permit requirement may be replaced with a requirement for registration with the IEPA. Certain other provisions are in need of clarification. However, it is not clear at this time whether each of the three Parts will need to be amended.

- B) Statutory Authority: Sections 27 and 56.2(f) of the Act [415 ILCS 5/27, 56.2(f)].

- C) Scheduled Meeting/Hearing Dates: The IEPA presently anticipates that it will file a rulemaking proposal in Summer or Fall 2001.

POLLUTION CONTROL BOARD

JULY 2001 REGULATORY AGENDA

No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

- D) Date Agency Anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in Summer or Fall 2001, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

- E) Effect on small business, small municipalities, or not-for-profit Corporations: This rule may affect any small business, small municipality, or not-for-profit corporations that disposes PIMW. The IEPA anticipates that the changes contemplated would not have a significant effect. Exempting medical providers from the transfer station permit requirement if they accept household-generated waste for transfer to disposal facilities would assist such providers in performing a community service by reducing the associated regulatory burden. The clarifications being considered would not substantively change the existing requirements.

- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other presently-known proceeding would potentially impact Parts 1420, 1421, and 1422. For information regarding the development of these amendments please contact:

M. Kyle Rominger
1021 N. Grand Avenue East
P.O. Box 19276

JULY 2001 REGULATORY AGENDA

a) Part (Heading and Code Citation): Not yet assigned

1) Rulemaking: Proposed rules

A) Description: The proposed amendments will create a program which looks at the state of the art methods and standardizes the evaluation, identification, counseling, and continued monitoring of sex offenders at each stage of the criminal or juvenile justice systems or mental health systems so that those offenders will curtail recidivistic behavior and the protection of victims and potential victims will be enhanced. The Board will develop and prescribe separate standardized procedures for the evaluation and identification of the offender and recommend the appropriate behavior management, monitoring, and counseling. The Board will also develop separate guidelines and standards for a system of certification of provider qualifications and programs for the counseling of both juvenile and adult sex offenders which can be utilized by offenders who are placed on probation, committed to the Department of Human Services, or placed on mandatory supervised release or parole. The program will allow the Board to develop and prescribe a system for implementation of the guidelines and standards.

B) Statutory Authority: Section 15 of the Sex Offender Management Board Act [20 ILCS 4026/15]

C) Scheduled meeting/hearing date: TBA

D) Date agency anticipates First Notice: September 2001

E) Effect on small businesses, small municipalities or not-for-profit corporations: Small counseling centers, both non-for-profit and for profit agencies, will need to increase training and in service training for counselors and therapists with the appropriate credentials, experience, certification and degrees. For those employees who do not have the appropriate credentials, experience, certification and degrees, these will need to be obtained before these employees can provide sex offender treatment. If the agency provides treatment for adolescents, appropriate experience and training need to be obtained with emphasis and specificity toward the treatment of adolescent treatment.

F) Agency contact person for information:

Douglas Simpson, Acting Chair
Sex Offender Management Board
Office of the Attorney General
100 W. Randolph Street

JULY 2001 REGULATORY AGENDA

Springfield, Illinois 62794-9276
(217) 782-5544

SEX OFFENDER MANAGEMENT BOARD

JULY 2001 REGULATORY AGENDA

Chicago, Illinois 60601
312/814-3797

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 3, 2001 through July 9, 2001 and have been scheduled for review by the Committee at its August 7, 2001 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
8/16/01	Department of Human Services, Food Stamps (89 Ill Adm Code 121)	4/20/01 25 Ill Reg 5559	8/7/01
8/22/01	Department of Natural Resources, Dove Hunting (17 Ill Adm Code 730)	5/11/01 25 Ill Reg 6028	8/7/01
8/22/01	Department of Natural Resources, Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)	5/11/01 25 Ill Reg 6041	8/7/01
8/22/01	Department of Natural Resources, Consignment of Licenses, Stamps and Permits (17 Ill Adm Code 2520)	5/11/01 25 Ill Reg 6024	8/7/01
8/22/01	Department of Natural Resources, The Taking of Wild Turkeys - Fall Gun Season (17 Ill Adm Code 715)	5/4/01 24 Ill Reg 5835	8/7/01
8/22/01	Department of Natural Resources, The Taking of Wild Turkeys - Fall Archery Season (17 Ill Adm Code 720)	5/5/01 25 Ill Reg 5823	8/7/01
8/22/01	Department of Natural Resources, Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill Adm Code 740)	5/4/01 25 Ill Reg 5813	8/7/01
8/22/01	Illinois Commerce Commission, Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill Adm Code 590)	4/13/01 25 Ill Reg 5141	8/7/01

